

**AN EVALUATION OF THE APPLICATION OF SPECIFIC CONFLICT  
MANAGEMENT MECHANISMS IN THE SOUTH AFRICAN TRANSITION TO  
DEMOCRACY, 1985 – 2004: A CONFLICT RESOLUTION PERSPECTIVE**

**THESIS**

Submitted in fulfillment of the requirements for the degree of

**DOCTOR PHILOSOPHIAE**

in the Faculty of Arts at the Nelson Mandela Metropolitan University

by

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JANUARY 2007

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## **Acknowledgements**

First and foremost, I want to acknowledge the patience and forbearance shown me by my family during the time that it has taken me to produce this thesis. Nadia, Stephen, Mark and Sabrina, only I understand what you have had to put up with. I will try to make up for my lack of attention to you over the past years. My thanks also go to the following:

My supervisor, Richard Haines for his patience, advice and encouragement, without which the thesis would never have been completed.

My friend, colleague and student, Greig Timkoe, for his support and encouragement in the dark hours; it has been invaluable.

John Burton, pre-eminent scholar-practitioner whose role in stimulating my thinking in this field I would also like to acknowledge.

My students over the years, who stimulated my thinking on the issue of social conflict.

Sue Jeffereys who assisted in the preparation of the final document.

I dedicate this work to the people caught up in poorly managed conflict everywhere in the world, and hope that in some small way it contributes to the alleviation of needless suffering and a better quality of life.

## **ABBREVIATIONS**

ACRS	ANALYTICAL CONFLICT RESOLUTION SCHOOL
ANC	AFRICAN NATIONAL CONGRESS
AZAPO	AZANIAN PEOPLES ORGAZATION
BHN	BASIC HUMAN NEEDS
CAC	CENTRE FOR THE ANALYSIS OF CONFLICT
CONSGOLD	CONSOLIDATED GOLDFIELDS
COSATU	CONGRESS OF SOUTH AFRICAN TRADE UNIONS
CP	CONSERVATIVE PARTY
DP	DEMOCRATIC PARTY
DRSC	DEEP-ROOTED SOCIAL CONFLICT
EPG	EMINENT PERSONS GROUP
IFP	INKATHA FREEDOM PARTY
ICAR	INSTITUTE FOR CONFLICT ANALYSIS AND RESOLUTION
LSE	LONDON SCHOOL OF ECONOMICS
NATO	NORTH ATLANTIC TREATY ORGANISATION
NP	NATIONAL PARTY
NPA	NATIONAL PEACE ACCORD
SACP	SOUTH AFRICAN COMMUNIST PARTY
PSC	PROTRACTED SOCIAL CONFLICT
PSW	PROBLEM SOLVING WORKSHOPS
SA	SOUTH AFRICA
SABC	SOUTH AFRICAN BROADCASTING CORPORATION
SWAPO	SOUTH WEST AFRICAN PEOPLES'ORGANISATION
TRC	TRUTH AND RESONCILIATION COMMISSION
UDF	UNITED DEMOCRATIC FRONT
UDM	UNITED DEMOCRATIC MOVEMENT

## **ABSTRACT**

South Africa has always been cited as an example of protracted social conflict by the analytical conflict resolution school. Given that appellation, the conflict, in terms of the understanding of that school of thought, would not have been amenable to resolution, and yet many observers hail the South African democratic transition as a miracle of transformation. This thesis, using a detailed application of the various elements of protracted or deep-rooted social conflict, demonstrates that South Africa is indeed an example of protracted social conflict.

Given the application of pre-negotiation initiatives, and the establishment of a unique National Peace Accord, negotiations were enabled, and successfully delivered a democratic election, and so far, also a sustainable democracy. The establishment of the Truth and Reconciliation Commission was the result of a realization on the part of a wide spectrum of South African leadership and conflict resolution professionals, that negotiation alone would not provide conflict resolution for South Africans, and that there was therefore an additional need to deal with the deeper issues of conflict, if the settlement were to prove sustainable. The question remains whether ours represents a successful resolution of the conflict from the theoretical perspective of the analytical conflict resolution school.

A close examination of South African socio-political issues across a number of domains regarded by the analytical conflict resolution school as important, indicates that while the requirements for conflict resolution were indeed met in the South African case, their more advanced stage of resolution; conflict prevention has not been satisfied. That explains the fact that many tensions, much violence and intolerance remain. South Africa's democracy has not been infused with analytical conflict management institutions, basic human needs have not been substantially met and valued relationships remain elusive. Because protracted social conflict is cyclical, we can expect high-levels of conflict behaviour to haunt, and even threaten our fledgling democracy. It is argued here that a coherent theoretical approach to the South African conflict management process would have produced a more sustainable outcome, and we recommend the continued use and institutionalization of analytical conflict prevention processes to secure the future of our country.

## **CHAPTER ONE:       GENERAL INTRODUCTION**

### **1.1   Introduction**

This is a study of the conflict management interventions that accompanied and enabled the political negotiation process, and the eventual transition to democracy in South Africa. It presents a critical evaluation of the effectiveness of those interventions and their shortcomings, through the lens of the Analytical Conflict Resolution approach. It then provides a critique of that theoretical approach, based on the South African experience.

South Africa has a long history of social conflict. Historically the country has experienced high levels of often violent conflict between the various political, ethnic and language groupings within its population. The country has, for instance, experienced conflict among various African ethnic groups such as that between the Zulu, and other Nguni tribal groups along the Eastern Coastal region, commonly known as the Mfecane, or Difaqane. (See, for instance Johnson, 2005: 48 - 62)

It is widely recognized that the indigenous Khoi and San peoples living in the region were also hunted to the point of near extermination by both European settlers and African newcomers to the country. Another conflict, culminating in a war at the turn of the 20<sup>th</sup> century, between the republican Afrikaners and the British colonial power, which left deep and long-standing divisions between English and Afrikaans-speaking white South Africans could also be regarded, at the very least, as an example of deep-rooted social conflict (Johnson, 2005: 48 - 62, Davenport, 1977).

Although these conflicts could all be regarded as examples of protracted social conflict; some of them even including elements of genocide or ethnic cleansing; the quintessential South African conflict that has captured world attention, and attracted so much scholarly deliberation and debate, has been the political power struggle between South Africans of European stock and their African compatriots. It is this conflict, essentially a conflict between white

and non-white South Africans, and its management in the late twentieth century that forms the subject matter of this study. This conflict has regularly been classified within the conflict literature as an example of deep-rooted, or protracted social conflict.<sup>1</sup> Deep-rooted conflict is regarded as being unamenable to management by standard means. That is why it is also considered to be protracted. When the conflict was transformed, at its height, from an armed struggle, termed at the time by the National Party government, as a “Total Onslaught” which had to be countered, according to their thinking, by a “Total National Strategy”, into a negotiated settlement, the changes came very suddenly, and in most quarters, very unexpectedly. It caught, not only the observers, journalists and social scientists by surprise, but the protagonists as well. Theoretically speaking, it ought not to have happened.

The transition was accompanied by increased levels of violence, and complex levels of interaction. Although the focal point of the transition was undoubtedly the negotiation process for the establishment of a new, inclusive democratic political dispensation among the main political parties, it was additionally characterized by second track processes, pacts and an attempt to deal with the long-standing, deeper-rooted consequences of the protracted social conflict, that has attracted a great deal of scholarly attention and much heated debate. Just as South Africa was previously presented in the literature as a model of racist oligarchical rule, the country’s conflict management efforts were subsequently often euphorically held up, as examples to the world, of international best practice in the management of deep-rooted social conflict.

Despite an initial euphoria, and talk of a miracle having happened, a decade after the establishment of democracy, there are serious fault-lines emerging, in the country, that gives cause for the questioning of the South African process. Has conflict resolution taken place, or had there simply been a superficial settlement? This is the crux of the problem that this thesis sets out to examine.

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<sup>1</sup> The two terms refer to the identical type of conflict, with Deeprooted social conflict being the term most often used by John Burton, and Protracted social conflict being used more commonly by Burton’s colleague at George Mason and his collaborator in the CAC, Edward Azar.

The thesis attempts to demonstrate firstly, that South Africa is indeed a case of deep-rooted social conflict, if measured against the theory of the Burtonian scholars. Although often labelled as deep-rooted conflict, there has never been a clear and comprehensive attempt at demonstrating the 'fit' of the South African case with the theory of protracted or deep-rooted social conflict. A brief history of the South African conflict will be presented as background (in Chapter four). We will next compare the South African situation to Edward Azar's model of protracted social conflict (in Chapter five), as it is probably the most comprehensive attempt by the Analytical Conflict Resolution school, to categorize the deep-rooted, or protracted social conflict type.

Methodological issues will be dealt with in Chapter two. We will set out our own standpoint, explain the qualitative approach being followed, and explain the abductive and deductive reasoning approaches that will be used. The research questions leading the study will be presented, and the sources of data to be examined, and the method of data collection will be elaborated upon.

According to the theory of protracted social conflict, traditional methods of conflict management, especially the power-based negotiation approach, should not successfully resolve deep-rooted social conflict. We therefore aim, secondly, in the central focus of this thesis, to analyze the implementation of the "Second Track" (Chapter six) processes that were used, largely behind the scenes, as well as the implementation of the South African National Peace Accord, perhaps the most important of the pre-negotiation pacts (Chapter seven), and the role of the Truth and Reconciliation Commission (Chapter eight). We will assess these interventions, the intention behind their uses, and to the best extent possible, the effectiveness of their impact on the South African conflict.

To shed additional light on these interventions, we will be looking at the state of South African society ten years after its initial settlement (Chapter nine), to

critically assess the impact of these processes, and to try to answer the question of whether or not the South African conflict was truly resolved. This assessment will be made through the lens of Analytical Conflict Resolution theory, as articulated by John Burton and Edward Azar and their colleagues of the Centre for Conflict Analysis, which is contextualized in the overview of theories of conflict provided in Chapter three, and more fully explained in Chapter four.

A third aim will be to shed critical light on the theory, and the theory of practice, of Deep-Rooted, or Protracted Social Conflict, using South Africa as a significant case of the phenomenon. Though we accept the notion that all conflicts are ultimately *sui generis* South Africa and its experiences of conflict management will hopefully also illuminate the very notion of deep-rooted social conflict, and the management of other cases of deep-rooted conflict receiving attention around the globe. Literally, what are the lessons for the analytical conflict resolution school, that can be taken from the South African experience?

## **1.2 Terminological clarification:**

This study is in the field of deep-rooted social conflict and its resolution. It will therefore be necessary to provide a clarification of the central concepts being used in the chapters that follow.

### **1.2.1 Social conflict**

Social conflict is a complex phenomenon, which refers to the behaviours, attitudes and structural underpinnings of contention among social collectives (Galtung, 2002). Himes provides the following definition: "Social conflict refers to purposeful struggles between collective actors who use social power to defeat or remove opponents and to gain status, power resources and other scarce values" (1980: 14). Pruitt and Rubin (1986: 14), however, write that: "... conflict means perceived divergence of interest, or a belief that the parties' current aspirations cannot be achieved simultaneously." A full understanding of this field necessitates a broad understanding of the theoretical literature

emanating from a number of different scientific endeavours. Many of the social sciences provide partial explanations of various aspects of social conflict, which necessitates an overview of this body of scholarship that will be provided in Chapter three of this study. The theoretical overview provided in Chapter three will also serve to situate the theories of deep-rooted social conflict that particularly inform this study.

### **1.2.2 Deep-rooted social conflict**

The particular form of social conflict that forms the basis of this study is known variously as deep-rooted social conflict, or protracted social conflict. It is associated with a number of conflict-ridden societies around the world, in which, in the thinking of the conflict resolution school, frustrated basic human needs are a central causal aspect in the conflict. Typically, because of their deep-rootedness, these conflicts are extremely persistent, despite many attempts to settle them. This persistent nature has given rise to the usage of the alternative term; protracted social conflict. Chapter four will provide further elaboration. John Burton (1990:15) offers the following description of the phenomenon: "Deep-rooted conflict includes cases of conflict with authorities, between authorities, and among persons and groups within societies. It involves cases that arise out of demands on individuals to make certain adjustments in behaviour that are unacceptable, and probably beyond human tolerance and capabilities." (Burton, 1990: 15). Burton goes on to state that "...In such cases, it is not possible to contain conflict within existing frameworks, except over severely limited periods of time." (Ibid: 15).

### **1.2.3 Conflict Resolution**

By conflict resolution, we refer to the addressing of the fundamental causes of the conflict; not just its superficial aspects. In this regard, conflict resolution should be distinguished from the mere settlement of conflict, which aims at simply modifying the more contentious aspects of conflict behaviour. In the words of Burton, therefore: "By the resolution of conflict we mean the transformation of relationships in a particular case by the solution of the problems which led to the conflictual behaviour in the first place." These



issues are pivotal and will be further elaborated upon in our Chapter four which presents the Analytical Conflict Resolution approach to the conflict and its management.

#### **1.2.4 Conflict Provention**

Burton has coined the term “provention” of conflict, to deal with the need that he perceives to deal with the causes of conflict before conflict becomes manifest. In his own words, he states: "Provention is thus concerned with social problems generally, with altering environments that led to conflict, and with creating environments that mitigate conflict.", and "...the removal of causal conditions, and the positive promotion of environments conducive to collaborative relationships - extends the scope of our concerns beyond the narrow area of conflict resolution." (1990: 18)

He maintains that the need to coin such a term indicates that the need has been overlooked by the conflict management literature.

#### **1.2.5 The Analytical Conflict Resolution School**

The particular theoretical perspective utilized in this study is that associated with the conflict resolution school, or, more accurately, the Analytical Conflict Resolution School. This group of scholars, or scholar-practitioners as they like to call themselves, established a transatlantic collaborative network known as the Centre for the Analysis of Conflict. They distinguished themselves from those in their parent discipline of international relations, by taking on a distinctly applied approach to their subject – attempting to intervene in some of the more intractable conflicts of the time – in Cyprus, Northern Ireland and the Middle East. The elder statesman of the group, to whom most of these scholars defer, is John Burton, and the core group consists of Burton, Edward Azar, Denis Sandole, Christopher Mitchell and Michael Banks. Other scholars are less closely associated with the group, but do collaborate from time to time. It is especially Burton who attempted to provide the group with a theory of human behaviour in the form of his basic human needs theory, adapted from the work of Sites and Davies, and

ultimately Abraham Maslow. It is Azar who has provided the theory with its most compelling characterization of the nature of deep-rooted, or protracted social conflict. The school further distinguishes itself by attempting to go to the roots of conflicts, to resolve them, by addressing human needs frustrations, as opposed to merely settling them. In this they are explicitly trans-disciplinary, borrowing extensively from the fields of psychology, industrial psychology, social psychology, and other social sciences. Their favoured approach to conflict resolution, is via the medium of intervention in the form of analytical problem-solving workshops.

When we allude to the Analytical Conflict Resolution School, it is this group to which we specifically refer; ours is therefore not a loose or general usage of the term.<sup>2</sup>

#### **1.2.6 Second Track Diplomacy**

Second track, or track two diplomacy, as it is often termed, refers to unofficial diplomatic exchanges between prominent individuals within conflicting parties. It is explicitly not the leaders who negotiate, but influential others, who preferably are able to persuade decision-making leadership to enter negotiations.

We begin our thesis by providing an overview of the various theories of conflict that inform and underpin the Analytical Conflict Resolution Approach.

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<sup>2</sup> The term Conflict Resolution is commonly used extremely broadly, referring to almost any attempt at conflict management, regulation, amelioration or settlement.

## **CHAPTER TWO :      METHODOLOGICAL APPROACH**

I would caution against the acceptance of the dichotomy between fact and value which defines contemporary mainstream social science, and which has led to an overemphasis upon quantitative methods in the name of an objectivity which is at best suspect. Conflict Resolution should be a normative discipline; it should be prescriptive.

(Scimecca, 1990: 2005)

### **2.1 Introduction**

Research, according to the Shorter Oxford English Dictionary (1973:1804), is “an investigation directed to the discovery of some fact by careful study of a subject; a case of critical, or scientific inquiry.” It is appropriate, therefore that we begin our study by explaining our research strategy and methodology.

According to Babbie and Mouton, research methodology, refers to the various methods, techniques and procedures that are employed in the process of implementing a research project research (2001: xxvii). Every piece of social research therefore demands a clear set of steps in order to achieve its objectives. This chapter addresses the methodological issues with regard to the current research project below, including sources of data, the issues of research motivation, triangulation of data sources, the case study, the research questions and sub-questions, theoretical perspectives, research standpoint, and methodological limitations.

### **2.2 Motivation for the research**

According to Cheldelin et al, research projects are traditionally undertaken for one of two fundamental reasons. Either the researcher wants to better understand the world, or alternatively, they want to solve practical problems. In the case of these practical researchers, their accomplishments were measured in terms of “problems solved or practices improved” (2003: 17). Cheldelin et al (2003:18) go on to write as follows: “Today the distinction is blurred. Most researchers in social science – whether inside or outside the

academy – construe their work in both basic and applied terms. A discernable trend toward a merging of theory, practice, and research is evident, particularly in the field of conflict resolution.”

This researcher has long been intimately involved in the field of social conflict and its management, and fascinated by the search for a better understanding of conflict and its management. Especially the field of deep-rooted social conflict, the distinctiveness of the basic human needs approach, and the need, or otherwise for specialized approaches to resolve this conflict have stimulated him towards undertaking the study.

The South African case also holds a special interest for this researcher. It has often been stated in the analytical conflict resolution literature, that in South Africa, we had a prime example of deep-rooted social conflict. The case has also been made repeatedly in local and international academic publications, that we resolved our conflict; that a miracle was achieved. The notion of a miracle is antithetical to science, however, and this prompts a closer examination of what really happened in South Africa. This is important for thinking about and understanding ways to continue managing conflict in South Africa, after 1994, as well as understanding the lessons to be learned by other countries still grappling.

This study is therefore motivated by a twofold interest such as discussed by Cheldelin, et al (2003) above. Not only do we wish to shed light on the theory, and theory of practice of analytical conflict resolution, but additionally, we wish to point to problem areas in the South African case, that need urgent attention, if the initial conflict management successes are to be sustained.

In this endeavour, a qualitative, and multi-layered approach will be followed, including elements of literature survey, and including a review of surveys already carried out, personal interviews, personal communications and participant observation. An effort will be made to provide a “thick” description of the subject matter, making use of triangulation of a number of sources of

information along the way, and interpreting these via a process of abductive reasoning. We will elucidate each of these concepts below.

## **2.3 Research questions**

Our research question therefore is: To what extent do the conflict interventions applied in South Africa, including pre-negotiation workshops, the South African National Peace Accord and the Truth and Reconciliation Commission, accord with the theoretical assumptions and prescriptions, of Conflict Resolution, and what do we learn from their implementation? How do they compare as Protracted Social Conflict Management Strategies. There are a number of sub-questions that arise

Sub-questions:

- 1 Is SA a true example of PSC?
- 2 Is the theory of PSC spurious?
- 3 Has Macro-Political Conflict in South Africa been resolved? Has it been prevented?

We aim to distil the essential elements of conflict resolution from a thorough examination of the analytical conflict resolution literature, isolating the various indicators of resolution. The South African socio-political experience will then be examined for evidence of these indicators of resolution.

## **2.4 Theoretical perspective**

### **2.4.1 Epistemological traditions**

All social science research is underpinned by one of three main epistemological traditions, being objectivism, subjectivism, and constructivism. These epistemologies represent our fundamental understandings of knowledge at its most basic level. Objectivism operates on the understanding that research can lead us to “know and to verify an objective truth”. Diametrically opposed to objectivism, subjectivism asserts “infinite interpretations of events, none of them superior to another” (Kayrooz and Trevitt, 2005: 115, 116). This study accords with the constructivist epistemological tradition, which posits an objective world, mediated by the individual’s conceptual lens, or framework. According to constructivist

epistemology, our knowledge is invariably mediated by our own experience and understanding. This tradition clearly occupies a middle ground between objectivism and subjectivism (Ibid., 115).

#### **2.4.2 Analytical conflict resolution theory**

The field of conflict analysis, management and resolution is a multi-disciplinary one. Perspectives of most of the social sciences are brought to bear upon the study of conflict. The author intends to examine the South African conflict transformation process through the lens of the analytical conflict resolution/basic human needs approach, that is fully discussed in our Chapter four below. Our motivation for this particular theoretical approach is that South Africa has consistently been cited by the analytical conflict resolution scholars as a typical example of deep-rooted social conflict. It has, however, not yet been demonstrated by these scholars that all of the elements of the deep-rooted, or protracted social conflict school are present, and the South African case has not yet enjoyed a thorough analysis in respect of this perspective.

However our approach is not uncritical of this perspective. The study of conflict as a distinct subject is still in its infancy, and the analytical conflict resolution school is very much a developing perspective. There are weaknesses that we recognize; especially that the approach is perhaps not as engaged in the larger debates of the social sciences as it might be. It will therefore benefit from any criticism, and possible refinement that will ensue from its considered application to the South African case. Additionally, the analytical conflict resolution perspective will have to be contextualized within the broader context of the corpus of theory around the context of social conflict. Although the conflict resolution approach seems a part of the liberal project<sup>3</sup>, and that has sometimes been forwarded as a weakness of the

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3 According to Tidwell (1998: 149), "...there is little doubt that the philosophical underpinnings of democratic liberalism serve as the basis upon which much conflict resolution rests. This is interesting, because much of the analytical work done by those in conflict resolution does not specifically come from this tradition. Whether democratic liberalism is in any way better than any other set of philosophical statements about the organization of life is debatable. Yet it appears that most processes of conflict resolution grow from and support the ideals of democratic liberalism." Tidwell goes on to equate the conflict resolution approach with utilitarianism in seeking the greatest good for the greatest number. Yet this

approach, in that it presupposes a value system that is not universally shared by all parties in deep-rooted conflict, it is also a major strength in that it represents a recognition that there is scope for human action to alleviate the human condition, and that we are not slaves to our nature, nor to our conditioning.

This work represents a test of, and therefore a contribution to the conflict resolution approach, and hopefully a further elaboration, recognizing some of its shortcomings – for instance, that there is a marked prescriptive rigidity in the literature concerning the management of deep-rooted social conflict. In this sense then, our theoretical perspective accords with the tenets of critical inquiry, as explained by Kayrooz and Trevitt (2005: 117) as follows: “It [Critical inquiry] is thus normative, critical, and immensely practical. It is oriented to improved understanding directed at development and change, not research output for knowledge’s sake. Through reflective processes, it generates insights that empower those who are involved to remove constraints to human freedom, health and dignity.”

## 2.5 Qualitative research:

Whereas this thesis adopts a qualitative approach, it is necessary for us to make the distinction here between the two major approaches to scientific research; the quantitative and qualitative approaches. Kayrooz and Trevitt (2003: 114) provide the following table which usefully sets out the differences between the two approaches.

**Table 2.1 A Summary of qualitative and quantitative approaches**

Research Approach	Qualitative	Quantitative
Level of knowledge about the topic	A little known about topic	A lot known about topic
Purposes	To understand and to explain from actors’ own frame of	To seek causes and to predict social phenomena

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does not square with Burtons explicitly stated position that it is minorities that are important in any situation – that their needs satisfactions are as important as everyone else’s no matter what the numbers.

	reference	
Orientation	Close to the data; the “insider” perspective	Removed from the data: the “outsider” perspective
Main questions	What is your experience of this event? What are useful explanations/interpretations of this event?	What is associated with this event? What facilitates/inhibits this event? What are the causes and consequences of this event?
Strength	Valid: real, rich, deep data	Reliable: hard and replicable data
Philosophical underpinning	Naturalistic, constructivist (includes critical theory and postmodernism)	Positivism and post-positivism (includes experimental, quasi-experimental and correlational research)

Increasingly, researchers in the social sciences, claim that qualitative research processes do more justice to their subject matter than do quantitative approaches, so that, according to Moser “...qualitative research has become to a greater and greater degree a serious competitor to the traditional analytical empiricism.” According to Greene (1994), the Cartesian foundationalism of positivistic science with its strong emphases on objectivity, specific methods, detached neutrality and grand theory – has already been “deposed and dethroned”. There is an assertion within the ranks of qualitative researchers, that the experiential quality of described events cannot be measured by quantitative standards alone (Guba and Lincoln, 1994: 106 – 107).<sup>4</sup> Kayrooz and Trevitt (2005: 112,113) stress the complementarity of the

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<sup>4</sup> According to Guba and Lincoln (1994), Quantitative methods are oriented around a consciously selected subset of variables, and use certain prerequisites (random selection, experimental controls) which require the neglect of all other variables which may also affect the findings. In contrast, qualitative methods encompass specific contextual knowledge to the full extent and aim at generating theories from contextual information. Human behaviour cannot be understood without reference to the meaning and purpose with which human actors associate with their activities. Qualitative data can take these into account better than quantitative research. There is a disjunction between grand theories and local contexts. The perspective of an outsider who is uninvolved and removed from his object of study, has little or no significance for the insider view of the individuals, groups or societies being studied. The advantage of qualitative research procedures is that it helps to uncover these insider perspectives and theories. The qualitative process of case reconstruction is “more significant” than generalizations, even those which are statistically significant, in that it is not necessarily a statement concerning the specific case being studied. Qualitative research gives greater emphasis to the



two approaches, however, and make the point that many research projects combine elements of both the quantitative and the qualitative, in their strategy and design.

The methodological approach to this study will be a multi-level approach, consisting of a number of distinct avenues that will be merged to capture the rich complexity of the subject matter. This researcher takes a leaf out of Moser's (1999) book, using abduction as an operational, logical principal. This seems fitting, as it is in accordance with the qualitative approach, and also because it is the approach that Burton himself has explicitly used to develop his human needs theory of deep-rooted social conflict (1984:x, 1987: 255). First proposed by Charles Peirce in 1903, abduction is an alternative process of logic to induction and deduction, that is admirably suited to the qualitative approach.

The abductive process, according to Peirce, (in Moser, 1999), can be described according to the following steps: "The surprising fact C is observed; but if A were true, C would be self-evident; consequently there is ground to suspect that A is true". Where this study is concerned, stated very baldly according to the same relationship: The surprising fact (miracle) of South Africa's peaceful settlement (resolution) has been observed. If, and only if, according to Conflict Resolution theory, Problem Solving workshops had been applied, the resolution would be self-evident; consequently there is ground to suspect that Problem Solving workshops were applied.<sup>5</sup> According to Burton (1987), for Peirce, hypothesis formation is the "major point of scientific interest". The abduction process was so called, because it stressed the need

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process of generating meaningful theory. "In the process of abduction, the phases of discovery and the subsequent test phases alternate and interact in a spiral movement" ( Moser: 6 ).

5 According on Wirth (1997, cited in Moser), "While in deductive logic the premises are given and the valid conclusions are sought, in abduction the conclusion is given and the possible premises (rules and case) must be achieved by "reduction" This means that the research process is accompanied by both the hermeneutic inquiry into prerequisites as well as the pragmatic inquiry into possible effects. Thus abduction does away with the competition between hermeneutic understanding and scientific explanation. Instead, both appear to be established on the abductive ability to draw conclusions as "cognitive phenomena of complementary."

to “go back and find out how hypotheses have been arrived at”. Abduction will be underpinned by three aspects: A “thick” description of the objects being studied, the use of triangulative procedures, and safeguarding through specific criteria of quality.

Because Peirce emphasized the need to query our assumptions at all times “...until our hypothesis has been reduced to something almost axiomatic and from which deductions could be made.” (Burton, 1987: 255), the abductive process also tends to produce a repetitive research process that continually modifies and retests its assumptions, so that it has been said that researchers that use this process do not know what it is they are trying to prove when they set out (Moser, 1999:). To some extent this has been true of this project. Burton (1990: 20) maintains that this approach is especially appropriate for social problem-solving and conflict resolution “...because in many instances there cannot be testing...”.

## **2.6 Triangulation**

Triangulation is a technique of enhancing research reliability, by the use of multiple research methods. Denzin puts it as follows: “By combining methods and investigators in the same study, observers can partially overcome the deficiencies that flow from one investigator or method.” (Babbie and Mouton, 2001: 275,) Triangulation is a strength in a research design, to be sought after, and not a weakness. According to Babbie (2002:107), in ideal circumstances, a research project should always bring more than a single research method to bear on a topic.

## **2.7 Research Standpoint**

According to Moser, elaborating on the qualitative approach, the researcher is not standing outside of the world that he is studying. “His position is rather in the very middle of that which he is studying. While attempting to solve its puzzles, he never knows to what degree his position itself defines them. It is therefore less a matter of drawing conclusions in the shape of generalizations, but rather of forming informed conclusions that can be called ‘abductive’.” (1999:16). This holds true for this particular work in that the researcher

operated in the midst of the phenomena of which he now seeks to make meaning. It is our contention, however, that this does not compromise the work as scientific enterprise, on two counts.

Firstly, we can agree with the qualitative argument of Greene (1994), for instance that there is no intrinsically external observation possibility, and secondly, that this internal situatedness need not detract from the notion of a third-party standpoint, in the same way that, in conflict intervention, although the third party should endeavour at all times to treat conflicting parties in an impartial or objective manner, yet, the third party still is a part of that conflict, especially in the case of the “insider partial”<sup>6</sup> interventions, such as those observed in the South African conflict management process, and as discussed in the chapters below. The role of participant observer has become well-established in qualitative research, allowing the researcher a particularly advantageous position from which to assess context, body language and other information which might prove elusive to survey methods, for instance (Babbie and Mouton, 2001:293). Additionally, the passage of time between the observation and the research, in its own way provides a certain distance, enhancing the possibility of reflection and objectivity.

The conflict resolution standpoint has much to commend it. It represents a huge step forward on the pre-existing perspectives in that:

- It is a self-conscious attempt to provide a general theory of social conflict
- It specifically addresses the occurrence of deep-rooted social conflict.
- It rejects the power-approach.
- It rejects power and statist-oriented approaches to conflict termination.
- It puts the human being at the centre of its concerns – human beings assume primacy.
- It recognises a tentative connection between human agency and institutional structure – that is at the core of much social conflict. In this

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<sup>6</sup> For a discussion of the insider partial role, see Lederach (1997: 50)

sense it has much in common with the structurationist approach of Giddens, although this is nowhere made explicit in the work of its pioneers.

It is our intention, from the standpoint of John Burton's analytical conflict resolution approach, to reflect on the elements of the South African transformation, and from a critical standpoint, to point out some shortcomings of the Burtonian approach, with a view to its further elaboration and strengthening. Also, on the basis of this exercise, to point to shortcomings in the South African case, that indicate the need for continued vigilance concerning the ongoing process. Conflict is after all about more than warlike behaviour – it is waged in many ways and on many fronts, sometimes destructively, and sometimes constructively.

## **2.8 Sources of Data**

Because the thesis speaks to the theory of deep-rooted social conflict, a significant aspect of the approach will be based upon a review of the literature surrounding the study of social conflict, particularly that body of the literature that has entitled itself the analytical conflict resolution approach. In this regard, the output of John Burton, its central figure, from 1969 to his latest work in 2002 will be in the spotlight. We will examine his approach through his own writing, and that of the other members of the conflict resolution school who cluster around his ideas, including Edward Azar, Michael Banks, Ronal Fisher, Chris Mitchell, and Denis Sandole, as well as drawing on the insights of those interlocutors who have engaged critically with this material over the years. Much of this theoretical work has been gleaned from a thorough reading of Burton's books, from *Controlled Communication* in 1969, to his last full work: *Conflict Explained: The Sources of Conflict, Violence and Crime*, written in 1997. Most valuable has been the four volume Conflict Series that appeared in 1990, and which Burton intended to capture his life's work, from its theoretical underpinnings to its recommendations for practice. Another extremely valuable source of information on this theoretical discourse has been the body of writing in the scholarly journals, where the state of contemporary critical debate appears. In this regard, *The Journal of Conflict*

*Resolution, Negotiation Journal, Peace and Conflict Studies, and International Journal of Peace Studies*, have been particularly valuable. Electronic sources, such as the *Online Journal of Peace and Conflict Resolution* have also proven most useful. Given this extensive overview of Burton's output, we are able to provide an historically-situated exposition of the development of his work.

Also, the literature dealing with South Africa's history of conflict, and the transitional passage to democracy, including pre-negotiation conflict resolution initiatives, the National Peace Accord, and the Truth and Reconciliation Commission, will be engaged, within the context of violence and negotiations. Again, although reference is made to general historical and sociological source material, the dominant authors consulted will be those working within the conflict resolution paradigm. Primary source material including newspaper reports and reports of individuals involved in resolution processes will also be accessed. Additionally, original documentation, such as the minutes of meetings, reports and personal communications will be used. Newspaper articles, though primary sources in respect of certain events that form part of the study, are often quite unreliable, sometimes presenting slanted versions or explanations of events. They do, however in the spirit of the qualitative approach allow us to capture the the thoughts and emotions of prominent actors who were interviewed at the time. In this regard, the journal articles are regarded as more reliable, and will , where possible, provide the mainstay of the information used.

The literature will also be scanned for evidence of resolution in the current situation in South Africa. A number of opinion surveys on the state of social cohesion and reconciliation in South Africa are available, such as those of the Institute for Reconciliation and Justice, Idasa and Institute of Race Relations, for instance, and these will be closely examined, and analyzed for information pertinent to the analytical conflict resolution perspective. This is fully justified according to Babbie (2002: 323), who writes that "Existing statistics can also provide the main data for a social scientific inquiry."

Newspaper articles, as primary sources, will also be used to provide evidence for or against the actual achievement of conflict resolution in South Africa.

The data collected from the literature survey will be augmented by a series of strategic interviews, held with theorists and practitioners within the field. In this regard, for instance, conflict practitioners who operated within the context of the National Peace Accord will be interviewed, to compensate for the dearth of written work on that particular intervention initiative.

There is an additional source of data that will be presented here and that is the data presented by the author, who as facilitator, mediator, co-decision-maker and participant observer, participated in many of the processes being analyzed in this work. This “participant observation” provides a valuable perspective on the National Peace Accord, the development of community policing, and in respect of discreet conflict management initiatives in post-apartheid South Africa, in all of which he was intimately involved.

As has been mentioned above, through a process of triangulation of the various data sources, it is intended that the author will present a “thick description” of the subject matter.

## **2.9 The South African Case**

The South African conflict and conflict management process will therefore be treated as a single case study of conflict management. The phenomenon of the management of deep-rooted social conflict in South Africa is to be treated as a *crucial* case, in the sense used by Ekstein below, to confront the theories of Azar and Burton, concerning protracted or deep-rooted social conflict and its management. The case study method must be defended at the outset, as it has come in for some criticism in the past, although it has received greater acceptance in recent years<sup>7</sup>.

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<sup>7</sup> Babbie and Mouton (2001: 280 – 281) indicate that case studies were criticized as having little scientific value, during the sixties, which has given them a bad name. They have subsequently been redeemed by the use of additional techniques such as triangulation and thick description, however.

By case study, we refer to the study of a single case, that can be whatever bounded system is of interest, whether it be an institution, a programme, a responsibility, a collection or a population (Stake, 1983: 283). According to Yin:

“A case study is an empirical inquiry that

- investigates a contemporary phenomenon within its real-life context, especially when
- the boundaries between the phenomenon and context are not clearly evident” (1994: 13).

The dedicated conflict management features of the South African transition to democracy certainly fall into this category.

Stake goes on to write of the case study in social science literature as featuring:

“...descriptions that are complex, holistic, and involving a myriad of not highly isolated variables; data that are likely to be gathered at least partly by personalistic observation; and a writing style that is informal, perhaps narrative, possibly with verbatim quotation, illustration, and even allusion and metaphor. Comparisons are implicit rather than explicit. Themes and hypotheses may be important, but they remain subordinate to the understanding of the case.” (1983: 283, 284)

Critics of the case study method hold that it is a weak technique of data collection. They maintain that, because it is based on the collection of data from a particular instance or event, out of a much larger population of instances or events, it cannot provide data of any significance concerning the regularity or probability of the social behaviours under examination.

While this critique is valid, we stress that generalization based on observation, whether of a single case, or a representative sample of cases, is not the only

valuable theoretical exercise. Numerous scholars in the social sciences stress the valuable contributions to be made by the case study method.

According to Stake, for instance, case studies can be used to test hypotheses, especially to examine single exceptions that indicate that an hypothesis is erroneous (1983: 283). Ekstein (1975:113) supports this argument thus "...if theory can compel particular case interpretations, then particular cases could invalidate or confirm theories"

Ekstein insists that much case study scholarship is lacking in rigour, which gives the whole genre a bad name (Ekstein, 1975 and Yin, 1994). He distinguishes five different types of case study (1975: 96) of which only two enjoy his approval - the plausibility probe and the crucial case study. The crucial case study, would be a "...well chosen case – one that is somehow as crucial for a theory as are certain experiments (or indeed natural observations) in the physical sciences" (Ekstein,1975:117).

It is our contention that the South African case does constitute a crucial case for the testing of certain of the central propositions of the theory of protracted social conflict. The argument for this contention will be made in Chapter five below, drawing largely on the work of Edward Azar.

Through triangulation of the material presented here, it is our intention to develop a rich understanding, or "thick description" of the processes being described will be produced, against which the theory of conflict resolution can be measured, and recommendations and policy advice be brought to bear for the improved management and resolution of conflict in South Africa, and further afield in Africa and abroad, although, in the spirit of qualitative research, we understand that transferability of learning from one context to another is not necessarily straightforward, and that all contexts are unique.

## **2.10 Limitations of the study**

This study is ultimately an *ex post facto evaluation* of a series of conflict intervention activities that took place in South Africa between 1985 and 2004.



There are certain limitations that are commonly deemed to apply to assessing the impact of conflict intervention exercises. We will cite Ross (2004) as he enumerates these.

Ross (2004: 8) makes the point that the procedures required by experimental and quasi-experimental approaches are very difficult, if not impossible to apply in conflict resolution initiatives carried out in the context of conflicts which may often be extremely intense. Difficulties that Ross lists are that typically there are often more independent variables than cases, there is no random assignment of subjects to treatment groups, difficulty in gaining pre- and post-test measures, contexts in which interventions are implemented are constantly changing, project goals shift, there is uncertainty about what constitutes success, problems of instrumentation arise. Selection bias, reactivity, too few resources, and poor designs all contribute to the difficulty. There can also be additional issues of confidentiality and data collection that further limit evaluation work. Ross continues that often at best qualitative, not quantitative data, are all that is available to judge whether a program or activity was successful.

Because conflict resolution initiatives are generally small-scale projects with comparatively few participants and include activities that are difficult to replicate in standard formats, when significant effects are found, one can legitimately ask the extent to which they can be attributed to the content of the intervention as opposed to the personal characteristics of the intervener(s). A further methodological problem is that the interventions are rarely isolated changes in a social or political environment. It follows that "...it is not realistic to think we can be very precise about the degree to which any single intervention is responsible for diminished political violence or any move towards settlement that might emerge" (Ross, 2004: 9).

Ross (ibid) indicates that these limitations can be offset by the following techniques, among others: using multiple criteria of success, criteria for transfer, tracking goal evolution of the disputants (and interveners) over time. Ross further indicates in a footnote that "This leads to the hypothesis that

perhaps single projects cannot be fully evaluated by themselves but must be understood in terms of what else is taking place in a region, the need for a division of labour and specialization among projects, and a consideration of what projects accomplish themselves but also what they accomplish in working with others" (2004: 9).

Much of Ross' discussion is pertinent to this particular study. Outside of a laboratory situation, and without pre- and post-test opportunities, it is always difficult to know whether outcomes are the result of specific interventions, or whether they are the result of extraneous factors in the broader environment.

Additionally, we reiterate the point made above that, in keeping with the qualitative approach, we understand that all conflict situations are *sui generis*, and that no learning from the South African context can be simplistically transferred to other contexts without proper contextualization or the taking into consideration of unique cultural political and economic factors.

We next consider the various theoretical approaches to our understanding of social conflict.

## CHAPTER THREE : THEORETICAL OVERVIEW

The history of humankind and the rise and fall of civilizations is unquestionably a story of conflict. Conflict is inherent in human activities. It is omnipresent and foreordained.

(Isard, 1992:1)

What's effectively needed is a ramified, penetrative perception of the present, one that makes it possible to locate the lines of weakness, the strong points ... In other words, a topological and geological survey of the battlefield - that is the intellectual's role

(Foucault, 1977).

### 3.1 Introduction

The aims of this chapter are to present a brief, broad exposition of the nature, scope and role of conflict as a social phenomenon, and to provide an introduction to the most important theories of social conflict and its management in order to contextualize both the South African conflict, and the theories that we use to explain it. Because the focus of this thesis is particularly on the “analytical conflict resolution<sup>8</sup>” school, because of its central relevance to the South African case, and to this thesis, this approach will only be very briefly introduced here. It will be dealt with in greater detail in the following chapter which is entirely dedicated to its exposition.

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<sup>8</sup> Although the broad field of conflict and peace studies is sometimes alluded to as the conflict resolution field (see for instance Kriesberg, 1997: 51 – 75), that term is most frequently and more correctly applied to those theorists, such as John Burton, Sandole, Mitchell, Groom and others who have focused on longer-term resolution, as opposed to the mere settlement of deep-rooted social conflict. For most of these theorists the concept of basic human needs also assumes central importance.

It is not our intention to be exhaustive in our overview of the approaches to conflict. There are traditions that have not been included here. We will endeavour to provide an explanation of the genealogy of the basic human needs/deep-rooted conflict school because of their links to the concept of conflict resolution, and the work of John Burton. The theories that are presented will therefore largely be those from which the conflict resolution theorists have drawn their ideas, and those with which they have engaged, either in agreement, or in argument. Much of the work that we include, such as human needs theory, and the frustration aggression hypothesis, may not even be universally regarded as properly constituting social theory, as they take the case of the individual human person as point of departure, and are less concerned with the social context. This, however, is the foundation of the theory that has been developed by the conflict resolution school, whose analyses we use as point of departure for our thesis.

Before concentrating on the academic theories of conflict, however, we will endeavour to provide a general exposition of conflict, its attributes and consequences, and its manifestation in society.

### **3.2 Conflict in society**

Conflict is truly a ubiquitous social phenomenon. It is experienced by all of us much of the time. It is the inevitable result of the living in close proximity of vast numbers of intelligent, complex beings with ambitions and goals that are not always compatible in the context of a world of finite resources.

Generally speaking, conflict is seen in a negative light. It is commonly regarded as something to be avoided or something to be prevented. This author has, for instance, in the course of a career of training a wide variety of groups in conflict management, frequently asked such groups to provide words that they associate with the term "conflict". Most frequently, though not exclusively, responses included some of the following words: "violence, killing, fighting, hurting, argument, shouting, damage to property, destruction, pain, misery". These are mainly words denoting actions of sorts. This would

suggest that most people associate conflict with certain forms of behaviour, that are more commonly perceived as negative, rather than positive.<sup>9</sup>

Although this tends to be more of a popular perception of the phenomenon, it is also a perspective commonly found in the scholarly literature on the subject.<sup>10</sup> Attitudes towards social conflict are largely conditioned by our understanding of the phenomenon, however, and the definitions that we give it, and this aspect therefore deserves some attention in this chapter.

Conflict is very important, in a positive sense, in that it continually challenges us with contradictions that must be resolved. Most individuals feel uncomfortable when confronted with a conflict situation, and that is in fact part of the utility of the phenomenon.

We are always stimulated to do something about conflict – to resolve the problem, or to relieve the discomfort or the tension. Conflict is therefore a stimulant to action. In this sense, conflict can be seen as the engine of social evolution, or as Rubin et. al. put it, conflict is "the seedbed that nourishes social change", pushing us ever onward, and provoking us to find new and perhaps better ways of organising, producing and simply being. Sometimes we try to avoid the conflict, but mostly this strategy is unavailable, or leads to a deterioration in the situation. Conflict also has the result of enabling a

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9 Training workshops in conflict handling skills to assorted groups between 1992 & 2004

10 The literature is replete with references to conflict prevention, preventive diplomacy, and similar terms. See, for instance, John Burton, etc in this regard. On conflict prevention, Luc Reyhler (1994:1-19) has attempted to provide a thorough, discursive exposition of the concept, situating conflict prevention within the broader conflict management category. He traces the "popularization of the concept of the diplomacy of the post-Cold War era, where" "...preventive conflict management has become a feasible option". Reyhler is attempting to provide terminological clarity where, he admits there is much confusion. Even within his clarificatory discourse. It is obvious that some confusion still prevails. According to Reyhler, conflict prevention refers to a "particular kind of conflict management which can be distinguished from conflict avoidance and conflict resolution" (1994:4). It includes "...measures which contribute to the prevention of the undesirable conflict behaviours once some situation involving goal incompatibility has arisen" (1994:4). Despite the distinction made between conflict prevention and conflict resolution mentioned above, Reyhler proceeds to include conflict resolution under 'alternative methods of peacemaking, within a scheme of "conflict prevention measures". Much conceptual confusion clearly still remains, even among some of the foremost scholars, surrounding terminology, that stems largely from the inability on the part of the largely Realist, or power-politics tradition, to recognize the latent aspects of social conflict.

synthesis of interests, as well as the fostering of group unity (Rubin, G. Pruitt, D. and Kim (1994-7, 8) <sup>11</sup>.

We should not ignore the fact that there is, however, also a decidedly negative aspect to the phenomenon. Conflict pursued destructively, or handled poorly, can have immense costs. Given the technology currently available for its pursuit, social conflict threatens the very continued existence of life on our planet.<sup>12</sup> Since the end of the Cold War, approximately 30 million people have been killed in wars of one sort or another <sup>13</sup>. Ronald Fisher has stated that approximately one trillion dollars per annum are spent annually on warfare, or the preparation for warfare (Fisher,1997:1). As costs go, however, this represents only the tip of the iceberg. The costs in trauma, broken lives and broken families are far, far greater. And this only represents the area of warfare. Less dramatic public conflicts, industrial conflicts, organisational conflicts, and domestic conflicts produce additional costs measured in lost opportunities for development, efficiency, and damaged relationships, among others.

Some literature has focused on the idea that there are ideal levels of conflict in society. Too much conflict, or poorly handled conflict in a state would lead to various institutional failures, anarchy and collapse, while too little conflict would lead to a lack of innovation and societal stagnation. The same would hold for conflict in organizational or family settings.

There can therefore be no doubt that the pursuit of a scientific understanding of conflict is an important goal of social inquiry, as such an improved

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11 Louis Coser (1956), in his seminal work "The Functions of Social Conflict" has famously listed a number of the positive functions that conflict plays in society.

12 The negative and positive aspects of social conflict are well captured in Rubin, Pruitt and Kin 1994. Social Conflict: Escalation Stalemates and Settlement (7 - 9).

13 See for instance the Carnegie Commission on Preventing Deadly Conflict (1997) report on the scale of poorly managed conflict in the period following the end of the Cold War. See also the introduction of Van de Goor,L., Rupesinghe, K., and Sciarone, P., (eds), 1996, for an overview of the destructiveness of conflict inter and intra-national conflict in the early Nineties

understanding would undoubtedly assist us in the improved prediction of episodes of conflict and its management or resolution.

Before proceeding with an excursion through the various approaches to and a definitional unpacking of the study of conflict, it will be useful to establish, in broad terms, the multifaceted nature of the phenomenon, using a model developed by the author, in 1992.

### **3.3 The Bases of Social Conflict**

Conflict in society has many bases, or causes. It may be based on value differences, clashes of interests, unfulfilled needs, misinformation, past relationships, or structural situations, or any combination of these. We will deal with each of these separately below.

#### **3.3.1 Value-based conflict:**

Origins of conflict are often to be found in the fact that different people hold different values. These values may be of a religious nature, or they may be political, or ideological. In this way, capitalists may clash with communists, or Muslims with Hindus or Christians. Many of the ongoing social conflicts in the world are based on value conflicts. Such conflict is notoriously difficult to manage, due to the zero-sum nature of many value systems.

#### **3.3.2 Interest-based conflict:**

Much social conflict is based on the fact that most of the material requirements of human beings are in great demand, and there is only a limited supply. Demand for resources is infinite, but their supply is finite. In this sense, people are eternally in competition over scarce resources, such as money, land, jobs and powerful positions. Most of the conflict among individuals and groups is based on competition for scarce resources.

#### **3.3.3 Needs-based conflict:**

Another source of conflict is to be found in the denial and frustration of basic human needs. Following the theories of the noted psychologist Maslow, all

human beings have basic human needs which they are driven to satisfy. Whereas some of these needs are physical in nature such as a need for nutrition and shelter, others are largely psychological, and are much more difficult to define. They are nonetheless quite real. Some of these needs are needs for identity, security and control. The denial of these needs leads to much deep-rooted social conflict.

#### **3.3.4 Data-based conflict:**

Much social conflict is based on misperception, misunderstanding and/or miscommunication. Because our social reality is so complex, our brains are continually attempting to sift important facts from the unimportant. Generally, we try to make the information we receive "fit" into the pictures of reality that we already accept. Thus it is that as individuals we perceive reality in highly selective ways, generally seeing only one side of the picture.

Once we have a certain image of an event, we tend to communicate the image as we perceive it, exaggerating those aspects that fit into our framework. This strengthens the distortions, and can give rise to conflict, where, objectively speaking, there is none.

#### **3.3.5 Structural Conflict:**

Other important sources of social conflict are to be found in social, political and economic structures, which pit human beings against each other in zero sum relationships. This is often the case in the workplace, or in the institutions of the state. Structure designed in a particular era or setting, for a particular set of circumstances may be entirely inappropriate in another era or in a different place, but may persist, nevertheless, causing much unnecessary conflict.

#### **3.3.6 Relationships in Conflict:**

Often, current conflicts are caused by past relationships. Where some individuals or groups have historically coerced, or cheated others, this leads to distrust among parties in the present, and so the tensions may be perpetuated, even where there is no objectively existing conflict.



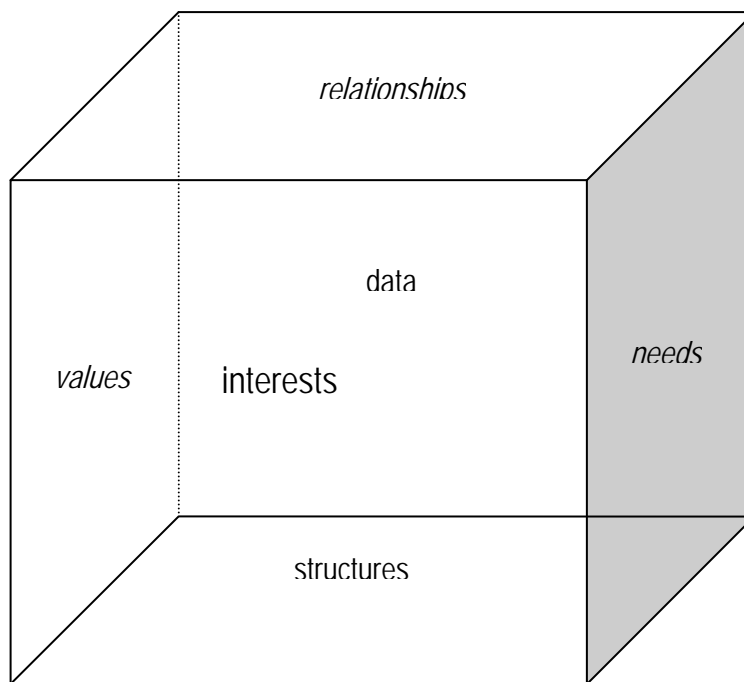
As we start to think about the bases of conflict, it should become evident that conflict is rarely uni-dimensional. It is, unfortunately often based upon a number of different causes. Thus it may be simultaneously a structural conflict, but with important needs and interest dimensions. This generally makes dealing with it extremely difficult.

The longer a conflict persists, the more a history of the conflict impinges on the present, and the less amenable it tends to be to resolution. We therefore find various conflicts around the world, that seem to have always been with us, and that defy all attempts at resolution. We call these protracted social conflicts, that need highly specialized forms of intervention, if they are to be managed at all.<sup>14</sup> The South African conflict was widely regarded as an example of protracted social conflict.

The multi-faceted nature of conflict could helpfully be diagrammatically represented as in figure 3.1, below:

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<sup>14</sup> See Bradshaw, G., Conflict Handling Skills Training Manual, 1992. Institute for the Study and Resolution of Conflict, UPE, Port Elizabeth



**Figure 3.1 The Conflict Cube**

What follows is the definitional "unpacking" of the concept of social conflict. This is followed by a brief exposition of the most important theoretical approaches to the study of social conflict in the social sciences, and the development of a conceptual matrix for understanding the relationship between those approaches, as a context for the discussion of the theories of deep-rooted social conflict that follow.

### **3.4 Towards a definition of Social Conflict**

One very useful way of developing the concept of social conflict is by looking at a number of different definitions of conflict provided by some of the important scholars in the field, and drawing from these, some of the important aspects of an essentially complex and multi-faceted phenomenon. We begin, however, by stating that with the term social conflict, we distinguish the

phenomenon from inner conflicts<sup>15</sup>, and concentrate on the phenomenon as it relates to interactions among human beings in their social context.

According to Rhodie (1991: 21), "Social conflict normally occurs where groups of people compete for scarce resources." This definition reflects the widely-held belief that conflict is normally about contention over access to scarce material, or positional resources. Himes provides a different emphasis in his definition: "Social conflict refers to purposeful struggles between collective actors who use social power to defeat or remove opponents and to gain status, power resources and other scarce values" (1980: 14). This definition takes that of Rhodie mentioned above further and additionally implies that conflict is always a conscious, and intentional activity, and that by implication therefore, it is always also deliberate.

Similarly, according to Deutsch, a conflict exists whenever incompatible activities occur (1973: 10). Although Deutsch's definition is far broader than that of Himes, both writers imply an action component for conflict. Pruitt and Rubin (1986: 14), however, write that: " ... conflict means perceived divergence of interest, or a belief that the parties' current aspirations cannot be achieved simultaneously." This echoes the reference to "purposeful" in the definition of Himes, and suggests that conflict is always the product of conscious intention on the part of those involved in it. This position also reflects the position of many other conflict theorists, including Coser (1956), and Kriesberg (1973). It does not include an explicit reference to an action component, however, and could therefore also pertain to conflict as a condition or situation.

Kriesberg, separates the concept "objective conflict" from what he calls social conflict, on the grounds of objective conflicts being the underlying situation, giving rise, in some instances, to social conflict (Kriesberg, 1973: 19). This, in

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<sup>15</sup> By inner conflicts we mean internal conflicts within individual people, such as the conflict that we have between the choices of investing a given sum of money in order to provide security for our old age (long term good), or spending it on more immediate gratification (short term good).

the view of the present writer, creates confusion. It implies that situations of social conflict where actions have already taken place, need to be conceptually distinguished from "objective conflict", and this would clearly not necessarily always be the case.

Sandole (1987:289), borrowing from biological terminology makes a distinction between genotypic (underlying) and phenotypic (action) phenomena in conflict. "What most of us see or think of when we observe conflict situations are phenotypic phenomena: the claims and demands of the parties, their behaviour, (of an attack by one side on the other); the results of their behaviour (casualties) and the level of their interaction (interpersonal, intergroup, interorganizational and international). It is also on the phenotypic plane when we observe differences among the specific manifestations of these abstract levels; family, community, environmental, labour management, and interstate conflict and conflict management." Underlying, and giving rise to the phenotypic phenomena, are the often invisible genotypic phenomena.

In this thesis a broader definition of conflict is preferred, following especially the work of Galtung, who seems to resolve the tensions between the action/ perception/ structure aspects of conflict by proposing a triple-component view of social conflict as follows:

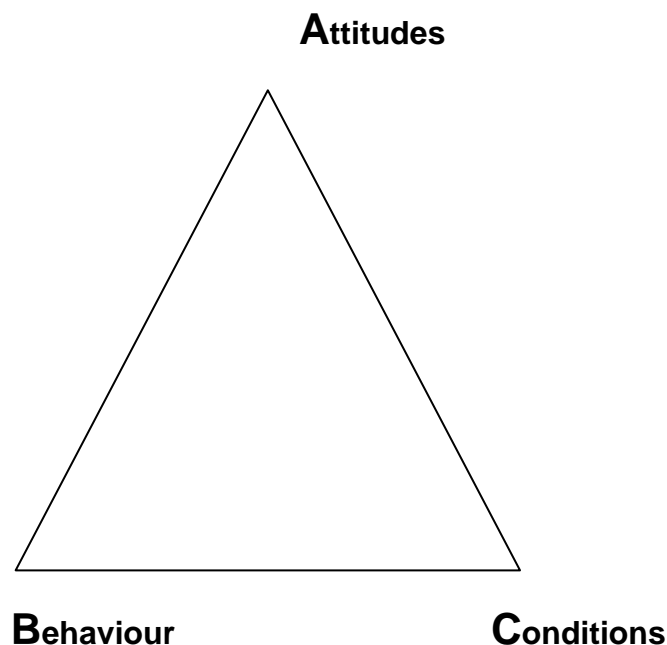
- The underlying conflict situation,
- Conflict attitudes and
- Conflict behaviour.

Such a separation avoids conceptual confusion when attempting to explain concepts such as latent conflict and has allowed Galtung to develop the concept of "structural violence", that has been extremely influential in the study of social conflict (Galtung, J, 1996, Mitchell, C., 1981: 17 - 32, Deutsch, M., 1973: 14). Similarly, in many cases, conflicts might be said to exist even though no conflict- related actions have taken place. According to Mitchell (1981), it is important to separate the existence of conflict from its behavioural manifestations. Bercovitch also reflects this broader view of conflict when he

writes that: "The range of conflict phenomena is, however, much wider than that implied by its physical connotation. It is used to describe inconsistencies as well as the process of trying to solve them; it has physical and moral implications; it embraces opinions as well as situations and a wide range of behaviour (1984: 3)".<sup>16</sup>

The threefold nature of conflict is often illustrated in the literature through the medium of the so-called ABC triangle of conflict depicted in Figure 3.2 below:

**Figure 3.2: The ABC triangle**



**Adapted from Mitchell, (1981: 18)**

Accepting the explanatory framework of Galtung, Mitchell and Bercovitch implies the acceptance of a broader definition of conflict, and concomitantly, the impossibility of conflict prevention. Though we may prevent conflict behaviour, we have to accept that preventing conflict attitudes is more difficult,

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<sup>16</sup> See additionally Fink, C. (1968: 431 – 456) for an examination of the arguments for and against a broader conception of social conflict.

and that the prevention of conflict situations is at least utopian, if not impossible. Conflict behaviour may be managed, or controlled, but background conditions for conflict and the attitudes associated with it are a part of the human condition.

Much social science has been focused upon the study of conflict, as one of the more pressing issues in human behaviour. The study of history has, for instance, often been focused on wars among nations. Psychology has studied the causes of human conflictual behaviour. The study of politics is largely the study of clashes between political forces and ideas. Sociology has been concerned with the conflicts among the larger groupings in society, and social psychology, concerned with conflicts among smaller groups and individuals.

Each discipline brings its own set of theories and concerns to the study of social conflict, as well as its own set of prejudices, or "blindness" to use the phraseology of Isard (1990:5). It is interesting and also important for our understanding of this multi-faceted concept, to note the multitude of differing interpretations given to the conflict phenomenon in the social sciences. At first glance many of these seem mutually exclusive or incompatible. However, if we proceed as does this thesis, from the premise that conflict is a highly complex social phenomenon, and that as such it is of necessity studied from a multi-disciplinary perspective, then our understanding of social conflict and its analysis will be enhanced, to make its management more efficient and effective<sup>17</sup>. We will also illustrate a more recent convergence of approaches as the field grows to maturity.

Especially since the Second World War, there has been a growing "coalescing" of work on social conflict. There is much borrowing of ideas across disciplinary boundaries, a broader consciousness among scholars of each others' work, and a growing literature of interdisciplinary collaborative work. Scholars in the field write of a science of peace and conflict, peace

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17 In this regard see also Clinton Fink's article "Some Conceptual Difficulties in the Theory of Social Conflict" in *The Journal of Conflict Resolution*, Vol xii, No. 4 pp 412 – 460.

studies, conflict studies, polemologie, or conflict resolution. The different terms indicate different strands within the emerging multidisciplinary field, which continues to produce multi-authored handbooks<sup>18</sup>, research centres, and university programmes<sup>19</sup>. We examine some of the more important theoretical perspectives below.

### **3.5 The Study of Conflict in the Social Sciences**

Normally, one might include a section on the theory of the field, but in the case of social conflict there is as yet no widely accepted general theory of conflict.<sup>20</sup> There are instead, a number of competing theoretical perspectives, each with its own valuable insights and its own shortcomings. Because the field is what Kenneth Boulding (1979: xiii), writing in the early days of its emergence has termed an “interdiscipline”, rather than a discipline, it has become the focus of not only most of the social sciences, but many other theoretical pursuits as well. Therefore, according to Dougherty and Pfaltzgraf: “No single general theory of conflict and war exists that is acceptable to social scientists in their respective disciplines, or to authorities in other fields from which social scientists borrow insights. If a comprehensive theory is ever to be developed it will probably require inputs from biology, psychology, social psychology, anthropology, history, political science, economics, geography, theories of communications, organization, games, decision-making, military strategy, functional integration, and systems as well as philosophy, theology and religion” (1990: 187).

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18 Good examples of which include Sandole, J.D., and Sandole-Staroste, I., (1987), *Conflict Management: Elements of Generic Theory and Process*, Burton (1990 a,b,c,d) *The Conflict Series*, Deutsch, M. and Coleman, P., (2000), *The Handbook of Conflict Resolution: Theory and Practice*, and Cheldelin, S., Druckman, D., and Fast, L., (2003), *Conflict: from Analysis to Intervention*.

19 For an account of the development of the emerging field of conflict resolution, a number of works, including those of Isard (1992), Schellenberg (1996), Miall, Ramsbotham and Woodhouse (1999) will prove most instructive.

20 However, a number of social scientists have made elaborate attempts to develop general theory. Two notable examples would be those of Blalock, in his 1989 work, *Power and Conflict: Towards a General Theory*, and Isard, in his 1992 work *Science of Conflict and Peace*. Burton's work on basic human needs is widely regarded as constituting one of the more successful attempts to provide a general theory of social conflict.

Such a wide variety of scholarly enterprise has inevitably been accompanied by an equally wide variety of premises, methodologies and other concerns. However, a number of “islands of theory”<sup>21</sup> have coalesced within the conflict resolution approach, to form a coherent and complex understanding of deep-rooted social conflict. Most approaches are based upon their assumptions regarding the causes of conflict, and also reflect the disciplinary origins, such as psychology or sociology, as well as the normative perspectives of the scholars concerned.

Aside from their different explanations regarding the causes of conflict, the major disagreements among the different schools generally centre on a number of dichotomous axes that we distinguish as follows:

- Conflict is regarded in either a "narrower" or a "wider" sense, in terms of which it is either seen as simply the violent interactions among parties, or, alternatively, it focuses additionally upon the underlying situations, and the relationship between social systems and social conflicts.(Bercovitch, 1984: 4)<sup>22</sup>
- Conflict is perceived to be either a subjective, or an objective phenomenon. According to subjective approaches, conflict is primarily over values, and values are ultimately dependent on parties' perceptions. Standing opposed to the subjective perspective, the objective approach maintains that conflicts exist whenever an incompatibility of interests exists, irrespective of whether parties are even aware of such incompatibilities (Bercovitch, 1984: 5).
- Conflict is also perceived to be either positive and functional, or negative and dysfunctional for social systems (Wehr, 1979 - 3 - 5). The theorists who support the positive view of conflict also tend to believe that conflict cannot be avoided or prevented, while those who believe it to be dysfunctional also tend to seek to prevent it.

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21 The term “islands of theory” has been used by Sandole and Mitchell and Viotti and Kauppi

22 See also Fink (1968: 412 – 460) for a discussion of wider and narrower perspectives on conflict.



- Conflict is additionally often dealt with, either as a procedural phenomenon, or as a structural one.<sup>23</sup> This reflects the influences of early scholars Marx (Structural) and Simmel (procedural) on the field."<sup>24</sup>
- Scholars also tend to be either “idealist” or “realist” in respect of their understanding of social conflict (Sandole, 1993. 3 - 6) According to Sandole (1993: 5), the fundamental difference between the idealist and the political realist perspectives is simply that of “nature versus nurture”; Political realism stresses containing, deterring and making the best of the environment, and therefore of behaviour. Realism tends to be pessimistic, and idealistic, optimistic.

An additional perspective that must be incorporated in this overview is that of "level of analysis". Conflict is approached at the level of individuals, that of groups, the level of national societies, and finally, at the international, or global level. One needs to understand that although the focus or analysis might be at the level of individuals, that that in no way necessarily implies a reductionist approach <sup>25</sup>.

### **3.5.1 Conflict Typologies**

Most scholars working in the field of conflict and its management present a set of various conflict types, characterized by certain distinguishing characteristics. There is considerable variation, and disagreement among these scholars concerning how to categorise the various conflict types. As Miall, Ramsbotham and Woodhouse assert: There are as many typologies as there are analysts, and the criteria employed not only vary, but are often mutually incompatible.” (1999: 29).

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<sup>23</sup> See for instance Schellenberg, chapters 4 and 5 for examples of conflict treated as a process or structural issue.

<sup>24</sup> For a discussion of the impact of the work of these two theorists, see Turner, J.H. 1975: "Marx and Simmel Revisited: Reassessing the Foundations of Conflict Theory" in *Social Forces*, Vol, 53, 4 1975.

<sup>25</sup> See for instance Kelman (1965) for a discussion of the application of individual psychology to the study of international relations

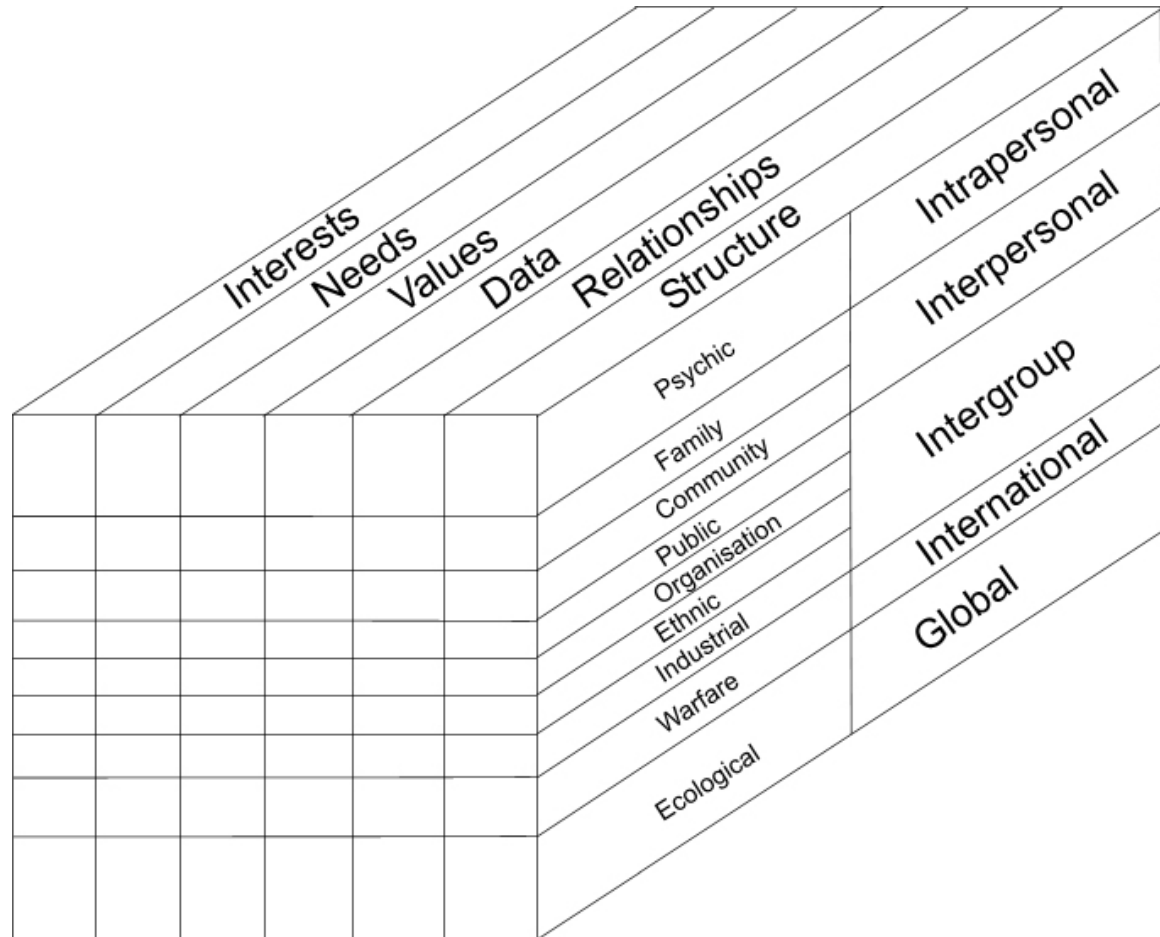
Whereas some authors concentrate on the particular parties in the conflict as a means of classifying conflicts, others attach greater significance to the issues in dispute, the scale of the conflict, or the means used to pursue the conflict and its management. Denis Sandole (1999, 2003) has worked extensively on the development of a schema to capture the complexity of conflict, and has arrived at what he calls a “three-pillar approach”. Accurate classification is important, as a failure to capture the complexity of conflict invariably results in “...well-intentioned but nevertheless one-dimensional, simplistic efforts to do something about them [that] may only make matters worse.” (Ibid., 52). We present Sandole’s typology as Table 3.1 below:

**Table 3.1 A Three-Pillar Typology of Social Conflict**

Pillar 2	Pillar 1	Pillar 3
<b>Conflict causes and conditions</b>	<b>Conflict Latent, Manifest, and Aggressive Manifest</b>	<b>Conflict Intervention Third-party objectives</b>
Individual level	Parties (Violent)	Conflict prevention
Societal level	Issues	Conflict management
International level	Objectives	Conflict settlement
Global/ecological level	Means	Conflict resolution
	Conflict-handling	Conflict transformation
	Orientations	Conflict prevention
	Conflict Environment	<b>Third –party approaches</b>
		Competitive and/or cooperative processes
		Negative and/or positive peace orientations
		Track-1 and/or Track-2 actors and processes

This author has developed a useful schema that includes the bases, or sources of conflict, on the one hand, with the conflict domain on the other, as illustrated in Figure 3.3 below.

**Fig 3.3 Typology based on conflict bases and conflict domains**



An attempt to provide an exhaustive list of scholars and their work would be beyond the scope of this thesis. Only those who have been most influential in their respective fields, and their main ideas have therefore been included here.

We will present the various approaches, in order, from micro-level approaches through to macro-approaches. The conflict resolution school will be presented last. Please note that the various aspects of John Burton's work will be featured in three phases. Firstly, we will present his work in the development of basic human needs theory as it pertains to social conflict. Secondly, at the international level, we will present his development of the "World Society"

approach. Finally, his work with his colleagues in the Centre for the Analysis of Conflict in the development of the conflict resolution approach will be presented in greater detail in the following chapter.

Table **3.2** provides a schematic view of the variety of approaches to the study of social conflict, indicating the levels at which they operate, their disciplinary domains, and the main contributors to each approach.

### **3.5.2 Psychological Approaches**

There are a number of approaches to the understanding of conflict that may be included under the broad umbrella of psychological approaches. In general these may be said to be understandings that draw mainly on the idea that conflict is associated with aggression, and aggression is either seen as an innate part of human behaviour, independent of background conditions, or as a learned response or the product of some frustrated drive. In some works they form part of what is termed a micro-cosmic<sup>26</sup> approach to conflict. Some of these approaches are not strictly psychological, but draw equally on deeper, biological explanations of conflict. They generally operate at the level of explaining individual human behaviour. We include some of the most influential perspectives below.

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<sup>26</sup> See for instance Dougherty and Pfaltzgraf, 1981, chapter 7, dealing with microcosmic theories of conflict.

### Table 3.2

# A TYPOLOGY OF THEORIES OF SOCIAL CONFLICT

	Micro	Macro
Pre-psychological	Psychological	Sociological/Anthropological
Studies of the brain	Studies of Mind	Structural Theories
MacLean	Freud: Psychoanalysis	Marx, Dharendorf, Weber
Koestler	Freud: Authoritarian personality	Functionalism: Simmel, Coser
Ethology:	Frustration-Aggression: Dollard and Doob	Social Process: Pruitt & Rubin
Lorenz, Ardrey, Morris	Social learning Theory: Bandura	Krieberg
	Dissonance: Festinger	
	Misperception, miscalculation	
	Basic Human Needs: Davies, Sites, Burton	
Evolutionary Genetics		Cultural: Avruch
Shaw and Wong		Ross
		Structurationism
		Jabbri, Fetherston
		Peace Studies: Galtung

### **3.5.2.1 Social conflict is an expression of the innate Aggressiveness of Mankind**

One explanation of social conflict, emanating from the biological and psychological fields, is based on theories of human aggressiveness, largely independent of environmental conditions.

There is a body of scholarship that seeks explanations for social conflict among humans deep in the biological structures, and neurological wiring of the human organism itself. So, within the conflict literature, there are those authors who stress the importance of the functioning of the brain as a source of aggression and conflict behaviour. Among others, Denis Sandole (1990) has discussed the structures of the human brain, placing responsibility for aggression in the amygdala and hypothalamus, the primitive reptilian structures inherited from the very early evolutionary development of the human species.<sup>27</sup> Stimulation of, and damage to these brain structures is associated with aggressive acts in humans and animals. According to some of these arguments, not only is individual aggression the product of individual development, it may also be genetically transmitted (See for instance Salla, 2000)<sup>28</sup>. Although popularised in the Sixties by authors such as Robert Ardrey (1966, 1967) and Desmond Morris, this approach lost ground to the proponents of social learning theory, and the more macrolevel theories. There has, as has been mentioned elsewhere, been an aversion among social scientists to the idea that conflict behaviour is "hardwired into the human organism".<sup>29</sup>

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27 See also, for instance Chap 7 "Biopolitics: The Human Brain" in R. Pettman (1975), *Human Behaviour and World Politics: A transdisciplinary Introduction*, for a discussion of the work by Koestler, Maclean and others on the effects of brain structure on behaviour.

28 According to this version, the very cells of an individual will carry within them the memory of conflict experiences and traumas, and these cellular memories may well be transmitted from one generation to the next. See his article "conflict Resolution, Genetics and alchemy- The Evolution of Conflict transmutation" in *Online Journal for Peace and Conflict Resolution*, Fall, 2000.

29 This is reflected, for instance in Unesco's 1986 Seville Statement, denying any biological grounds for warfare. See Suter, (2004: 175,176) for a discussion of the Seville Statement. That the ideas of the biological approaches have

Though we have moved on, so to speak, in respect of especially our cultural and technological development, in the view of the theorists on aggression, the primitive structures of the brain have not kept pace, leaving us with the potential for aggressive behaviour. The role of the endocrine system, especially the effect of hormones such as testosterone is included as an explanation for much human aggression. Even these primal drives seem to be mediated by environmental factors, however. For instance, in experimental stimulation of the hypothalamus of a male rhesus monkey, the resulting aggressive behaviour was found to be directed only against other male monkeys, indicating the importance of environmental context in the production of aggression (Schellenberg, 1996: 45 - 48).

According to Corning, the inner principles by which human life are organised cannot be understood without an understanding of the evolutionary and genetic aspects of behaviour (Dougherty and Pfaltzgraf, 1990: 275). Emanating from the field of ethology <sup>30</sup>, or the study of animal behaviour, psychology and behavioural physiology, there are numerous variations on the theme of human aggressiveness (Dougherty and Pfaltzgraf, 1990: 276 - 281, Wehr, 1979: 1,2). Lorenz and Ardrey are two prominent scholars in this particular school. According to Lorenz, man does not learn aggression; his aggression is an inborn mechanism for ensuring the survival of his species (du Pisani, 1988-13, 14). For Lorenz, intra-specific aggression generally has survival value in the animal world, in that it prevents overcrowding of specific species, it plays a significant role in the survival of the strongest through rival fights and "has a useful role in defence of the young" (Pettman, R, 1975: 189, 190). He cautions that in humans, however, their technological development and cultural evolution has outstripped their natural aggression inhibitors, such as appeasement gestures and related behaviour to be found in animals such

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explanatory value, however is borne out by their durability, as they are still being used at the time of writing (Salla, 2000) and their incorporation in other approaches such as the human needs theory.

30 According to Pettman (1975:178), discussing ethology, "The label itself has two obsolete meanings, one being the science of ethics, and the other the 'portrayal of character by mimicry'. It is from the latter usage that the contemporary term seems to have been drawn".

as wolves (see, for instance Sandole, 1993: 8). Although it is a widely supported approach, there has also been much scholarly criticism of this view, particularly that emanating from Fromm, based on his interpretation of the work of anthropologists Benedict and Mead (Dougherty and Pfaltzgraf, 1990: 281 -282). Wehr also presents the arguments of another anthropologist, Leakey, to suggest that primitive man was, on the whole a peaceful being (Wehr, 1979: 2).<sup>31</sup>

The balance of the arguments presented in the literature suggest that while conflict cannot simply be laid at the door of instinctive human aggression, the existence of such aggressive instincts in humans can equally not simply be discounted as one of the causal factors of social conflict.

Another individual level perspective, the psychotherapy approach to conflict also traces the sources of conflict to within man, but postulates that conflict is the result of a particular configuration of biological, social and psychological elements (du Pisani, 1988:15). One of the most important contributions to this approach is that of Freud, whose work presents human destructiveness as a result of a dialectical struggle between two conflicting forces; a life force, and a death instinct. When the destructive urge, or "death instinct"<sup>32</sup> prevails, aggression is directed inwardly. This energy is always present and seeking release, and when directed away from the self, it may result in the secondary phenomena of aggression and conflict with others (du Pisani, 16 – 19, Freud, 1922, 1959, 1961).<sup>33</sup>

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31 Pettman (1975) for instances also provides additional criticism, to the effect that Lorenz uses selective examples to argue for innate aggression.

32 That Freud referred to as "Thanatos"

33 According to Freud, all our instincts are aimed at the "reduction or elimination" of tension, stimulation or excitation. In this account, pleasure seeking behaviour is undertaken to achieve an "unstimulated condition", "a sort of Oriental Nirvana or absences of all desire". Because death entails the elimination of all excitement or stimulation, all living beings aspire to 'the quiescence of the inorganic world'. See Dougherty and Pfaltzgraf, (1981: 256 - 258).



The Contributions of Freud also include his work on the development of the superego, which, according to him is the result of learning from parents and others during the early years of development. Freud believed that the pressures on developing personalities to be conformist, and respectable led to the development of the authoritarian personality. These ideas were eventually taken further by Adorno and others, in attempts to explain what they saw as the slavish mentality that made the German Nazi phenomenon possible (Schellenberg, 1996: 48, 49, 50).

According to Fromm, man instinctively protects himself against threats to his survival. Aggression that results from such protection, though instinctual, is purely reactive, and instrumental-, it is therefore also innate. According to Fromm, this form is benign, and positively functional (du Pisani, 1988: 19). It is a form of aggression that man shares with the other animals. Fromm does also distinguish a second type of "uninstinctual" aggression, which he views as malignant, or destructive, and biologically maladaptive. This is associated with wanton cruelty, bloodlust and the need for control, that he views as a uniquely human quality. This behaviour he ascribes to a flawed human character, shaped by the pressures exerted by social institutions over time. The remedy is to restructure modern society to allow man more freedom to assert himself (du Pisani, p 20). Fromm's work presages that of the human needs school, in that he tries to show that "...destructiveness is one of the possible answers to psychic needs that are rooted in the existence of man, and that its generation results... from the interaction of various social conditions with man's existential needs." (Fromm, 1973: 294).<sup>34</sup> Fromm is, however optimistic about the human ability to reform its social conditions, and so overcome its tendency towards aggression.

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34 Fromm distinguishes the following needs: The need for a Frame of Orientation and Devotion, the need for Rootedness, the need for Unity, the need for Effectiveness, the need for Excitation and Stimulation, the related need to avoid Boredom or Chronic Depression, and the need for a Character Structure. According to Fromm, the satisfaction of the needs can take place in different ways. For instance: "the need for an object of devotion can be answered by devotion to God, love and truth - or by idolatry of destructive idols. The need for relatedness can be answered by love and kindness - or by dependence, sadism, masochism destructiveness." (1973: 294 - 358). For an excellent account of Fromm's approach, see also the working paper of Zlatko Isokovic: Erich Fromm's Concept of Aggression and the 'Missing Element' of Ethno-Political Mobilisation in the Second Yugoslavia.

### **3.5.2.2 Frustration-aggression Theory**

Another psychological approach is that which traces the origins of aggression to some or other form of frustration. The most notable work in this area was carried out by Dollard and his colleagues (Dollard, Doob, Miller, Mowrer and Sears) at Yale University in 1939. In its original formulation, the frustration-aggression hypothesis declared that "the occurrence of aggressive behaviour always presupposes the existence of frustration, and contrariwise, that the existence of frustration leads to some form of aggression" (Van der Dennen, J.M.G.).

These scholars found that individuals did indeed become aggressive if some goal-directed behaviour was interfered with. The tendency would be for the person interfered with to want to attack whoever was perceived to be the barrier to the desired behaviour. It was soon recognized that the original formulation of the Dollard- Doob hypothesis, as it was also known, was far too general, and as such it attracted much criticism. This led to a great deal of research activity; some of which attempted to refine and develop the theory, and some of which attempted to refute it. The hypothesis was, for instance soon reformulated by one of its original proponents, Neal Miller. According to this revised 1941 proposition:

"a) frustration instigates behaviour that may or may not be hostile or aggressive, and

b) any hostile or aggressive behavior that occurs is caused by frustration." (Von der Dennen: 2)

It was found, in the elaboration of the original hypothesis, that inhibitors of aggression, such as the expectation of punishment might prevent the aggressive response, but they would be experienced as further instances of frustration, which would have the effect of building the pressure for eventual aggression (Dougherty and Pfaltzgraf, 1990: 282 - 284). This brings into focus the vexatious question of the temporal relationship between frustration and aggression, and the difficulty of being able to predict a given episode of aggression, or of associating any such aggressive behaviour with a specific,

prior incidence of frustrated behaviour. It also provides the implication of a "drive" towards aggression that might be the result of many instances of frustrated goals in particular individuals.

There is also much evidence to show that aggression is not always simply directed towards the object of frustration. There are many intervening factors, such as the displacement of aggression, or the disguise thereof, which have to be taken into account (Dougherty and Pfaltzgraf, 1990, 284). One of the original embellishments of frustration-aggression theory is thus the assertion that aggression, even when displaced, produces catharsis - a relief of the tension caused by frustration. A difficulty with this proposition is that there is no way of knowing who the object of displaced aggression might be, except for the general proposition that the closer the target to the original object of frustration, the more effective would the cathartic effect be.

The actual evidence concerning catharsis has been found to be confusing, as aggressive episodes, rather than always leading to catharsis, can also be shown to lead to further aggressive behaviour (See for instance Schellenberg, 1996:52).

Similarly, frustration-aggression theory, or the "Dollard - Doob hypothesis" has attempted to project the insights developed about individual behaviour onto collective social behaviour, using it to explain racial conflict in the American South, as well as to imply that it is the frustration-aggression principle which underpins the Marxist theory of class-struggle. Critics maintain, however that individual psychological processes cannot be writ large upon society. The role of social learning in selecting targets for aggression also cannot be explained by the frustration-aggression theory (Dougherty and Pfaltzgraf, 1990:286).

Although many feel that the approach has utility, and recognize that it is supported by a large body of experimental evidence, they believe that there is a danger of viewing conflict too simply as a purely stimulus-response phenomenon.

The theory has had an enormous impact on the field however. In the words of Van der Dennen writing in the 1939 Dollard, Doob, et.al. publication: "It appears to have influenced current Western thinking on aggression more profoundly than any other publication" (Van der Dennen:1). The influence of frustration-aggression thinking can, for instance be traced through to the work of T.R. Gurr and others on relative deprivation (in his book *Why Men Rebel*), and can also be discerned in the Basic Human Needs approach of John Burton and others<sup>35</sup>. Du Pisani, drawing on Zimmerman, (1977: 19-22) supports this when he writes that:

"The frustration-aggression approach to conflict constitutes 'a major and useful perspective on conflict', especially because it has influenced other approaches such as learning theory" (du Pisani, 1988:23)

### **3.5.2.3 The Social Learning Perspective**

There was, by the nineteen-sixties, in the psychological literature on aggression, a reaction against the frustration-aggression hypothesis. Mostly, the scholars rejected the notion of an unadulterated stimulus-response approach, which took insufficient account of social learning to explain human aggression. Many also rejected the assumptions of much of the earlier work, to the effect that man was innately aggressive, or driven to aggress. The approach is sometimes referred to as the "hydraulic model" in a reference to its crudely mechanistic assumptions.

Albert Bandura, probably the foremost pioneering scholar in this tradition, while noting the work of the instinct, and frustration-aggression theorists, produces evidence to show that "...aggression is generally better explained in terms of its rewarding consequences, than on the basis of frustrative conditions and the punishment it incurs."(1973:29). Quite importantly he also

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<sup>35</sup> For detailed accounts of frustration-aggression, including the further development of the theory, its detractors, and its influence on subsequent theorizing, see Van der Dennen, J.M.G., *Frustration and Aggression Theory*. See also James Schellenberg, 1996 *Conflict Resolution: Theory Research and Practise* (:51, 52), and du Pisani, 1988 *A Critical Evaluation of Conflict Resolution Techniques From Problem Solving Workshops to Theory* (Doctoral Thesis), pp 21-23. A comprehensive discussion, including its fundamental variables, such as the variation of the strength of instigation to aggression of the Frustration-Aggression hypothesis can also be found in chapter three entitled "Frustration and Aggression", of Aubrey Yates' 1962 publication, *Frustration and Conflict*.

explicitly maintains that “ ... social learning theory holds a more optimistic view of man's capacity to reduce the level of human destructiveness.” (Bandura, 1973: 59).

Social learning theory also proved more useful than Frustration-Aggression theory in that it provided a better understanding of who the likely targets of aggression might be, from whom aggressive behaviour might be modelled, and the power of the media to provide examples of aggressive behaviour.

Bandura (1973-.29, 30) makes his point as follows: "The social learning theory of human aggression adopts the position that man is endowed with neurophysiological mechanisms that enable him to behave aggressively, but the activation of these mechanisms depends on upon appropriate stimulation and is subject to critical control. Therefore the specific forms that aggressive behaviour takes, the frequency with which it is expressed, the situations in which it is displayed, and the specific targets selected for attack are largely determined by social experience."

According to this perspective, aggressive behaviour is encouraged to the extent that it is observed to be successful, or to produce desired results. Bandura presents many examples of how parents, often inadvertently, by encouraging their offspring to "stand up for themselves" "teach" aggression. Similarly, peers encourage aggressive behaviour, as youths often gain social acceptance into sub-cultures through aggressive acts.<sup>36</sup>

According to this perspective, conflict is best managed by carefully managing the socialization and educational processes. Aggression-building processes, such as military training, and the rewarding of aggressive processes should be discouraged or avoided, and media images of aggressive behaviour, should not be seen to be rewarded. Positive, peaceful education would be highly recommended.

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<sup>36</sup> Some criminal gangs, for instance, require new members to commit a crime, even commit murder, in order to prove their commitment to the group.

Other approaches related to the social learning approach, are those associated with Kenneth Boulding, and Festinger. The latter worked in the area of cognitive dissonance. According to this theory "...the normal tendency of the individual [is] to reduce inconsistencies which may arise in his knowledge concerning his values, his environment and his behaviour." (Dougherty and Pfaltzgraf, 1981: 284,285)

This tendency gives rise to an intolerance of ambiguity. Especially when this operates in the minds of key decision-makers, working under intense time and emotional pressures it may work to produce aggressive or potentially escalatory decisions. The work of Allison, studying decision-making during the Cuban missile crisis is instructive here (Allison, 1987:282-331).

Kenneth Boulding, justifiably regarded by many as one of the pioneers of the conflict resolution field (Miall, Ramsbotham and Woodhouse,1999: 42), believed in the positive power of learning, which in the long run would lead to ever improved and peaceful relationships among nations. For instance, in his 1962 attempt at developing a theory of social conflict, "Conflict and Defence: A General Theory" he echoes Bandura when he writes: "Where learning is associated with rewards rather than punishment, the personality integrates around the idea of continued learning rather than around a core of received truth, and the reconciling personality develops."

In a later work, he re-emphasises the importance of learning as he states: "...each party in a relationship tends to create the self-image of the other in a very complex, mutual learning process. To a distressing extent each party in a conflictual relationship is a creation of its enemies" (1978: 17). He also stresses the need for the teaching of non-violence and peace studies as an approach to conflict management (ibid: 115).

#### **3.5.2.4 Conflict as the Result of Misperception and Miscalculation**

Many scholars attribute the occurrence of social conflict to poor communication, miscalculation, or misperception among the parties involved. There is much literature, for instance, at the level of international conflict, particularly that dealing with international crises, that gives prominent attention to the decision-making processes of elites under pressure. The Cuban missile crisis is one example that has enjoyed a great deal of attention. The Cold War in general, between the United States and the Soviet Union, has often also been the subject of this mode of analysis. (Holsti, O.R., 1987: 244-281, Allison, G.T., 1971). According to these authors, decision-making within such elites under pressure is hardly a rational process. Individuals succumb to "groupthink", limiting themselves to the ideas of the group, and not generating alternative explanations of the actions of their opponents. Under these circumstances, any actions by the opponent are automatically interpreted as hostile.

According to other theorists, groups in conflict, even under non-crisis conditions, harbour negative images of each other, which upon close examination, turn out to be mirror images. The human drive for consistency will generally ensure that only information that reinforces the negative image of the enemy will be assimilated.<sup>37</sup>

According to Burton: "There are many features of our psychological makeup which distort our thinking and observations. Some people do tend to have favourable images of others. More frequently this is not so" (Burton, 1972: 76).

The result is that opposing parties generally end up having very similar, equally negative images of each other. Any action by one party then is immediately interpreted in terms of its aggressive intent towards one's own

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<sup>37</sup> See also Dougherty and Pfaltzgraf (290 - 207), for a discussion of the work of Boulding (1959), Gladstone (1959) and Bronfenbrenner (1967), on enemies' images of each other.

party. The conflict-generating potential of such a process should be immediately evident.

### **3.5.2.5 Basic Human Needs Theory**

Basic Human Needs Theory, which has many non-psychological components, is ultimately an approach which originates within the psychological group of approaches, and has some similarities with the frustration/aggression theory. This branch of theory is especially significant, in that it has been most influential in the development of the conflict resolution field, and informs the analysis of this thesis. It will only be treated very briefly here, however, as it will be given more comprehensive treatment in the following chapter.

According to John Burton, the prime architect and organizer of the needs approach to the study of social conflict, this is a "...theory of behaviours that challenges the widely accepted assumption that human behaviours are wholly malleable" (Burton, 1995-120).

Burton and his followers are not convinced by what he calls "conventional" explanations for conflict behaviour, especially with regard to long-standing, seemingly intractable conflicts, where scholars tend to base their explanations on various social values. He illustrates the point by indicating how futile the debates of his day are, as they are often simply assertions of different, competing values. In his thinking, they are more ideological than scientific in nature. In his search for a more scientific foundation of such seemingly "irrational" conflict behaviour, human needs are postulated as a universal standard - a "scientific navigation point" (Burton, 1988: 40 - 43).

Burton is concerned that the prevailing assumptions at both international and societal levels seem to be fundamentally flawed. He maintains that at the domestic level notions of legitimate authority (even democratic legitimate authority) are seen to be breaking down. This is even more obvious at the international level, where conflicts such as those concerning Vietnam and Korea challenged the basic foundations of power politics. Burton (1995-117) puts it as follows: "The causes of crime, aggression and violence in



relationships at all levels are up for exploration. The separation of that which is domestic from that which is international on law and order grounds is no longer tenable, for deterrence has not been seen reliably to deter at either level."

Essentially, the proponents of the basic human needs approach to social conflict, following the ideas of Maslow<sup>38</sup>, postulate the existence of psychological needs as a universal human characteristic (Sandole, 1990: 60 -89). These scholars assert the existence of a drive to human needs satisfaction as a key determinant of human behaviour.<sup>39</sup>

Frustrations of attempts to satisfy these basic human needs are seen by this school of thought as being central to the explanation of the contentious behaviour that exemplifies much deep-rooted social conflict. These scholars have developed a theoretical framework for the explanation of deep-rooted social conflict and a particular theory of practice for resolving it, which will be dealt with in much greater detail below.

### **3.5.3 Sociological Approaches**

du Pisani (1988: 41) sums up the important contributions of sociology to our understanding of social conflict as follows: "Sociologists have contributed greatly to conflict research, in the sense that a sub-field called 'Conflict sociology' emerged within sociological discourse. The contributions of noted sociologists such as Marx, Dahrendorf, Simmel and Coser, and that of other

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<sup>38</sup> According to Maslow (following the work of psychologists William James, William McDougall, and Henry Alexander Murray), human beings are driven to satisfy certain needs. Five categories of needs are identified. They are the physical, security, social-affectional, self-esteem and self-actualization needs. In Maslow's postulation, the needs are prioritized into a hierarchic sequence. Humans act to satisfy needs in a certain order, with the most basic needs being satisfied first, and the higher needs then only being attended to. It was dear to Maslow that much of humanity remained preoccupied with the more fundamental needs, never moving beyond these to the level of higher needs satisfactions.

<sup>39</sup> The concept of needs in the sense used in this approach, is best defined by Masini in Sites (1990:10) as follows: "Needs can be understood abstractly to refer to those human requirements calling for a response that makes human survival and development possible in a given society"

scholars, notably Neil Smelser and William Kornhauser in the area of collective behaviour, have been of lasting importance to conflict studies".

We will review a number of the most influential of these contributions of sociology, especially to the extent that they have contributed towards the development of conflict resolution literature. We will focus on those who see conflict as the product of social structure, those who viewed conflict as dysfunctional, and more recently, those who see conflict as a social process. We will additionally engage with the post-modernist "structurationist" approach.

### **3.5.3.1 Social Conflict is the Product of Social Structure**

Many theorists believe that social conflict is the product of the way that society is ordered. The Marxists, for instance see social conflict as the product of the class structure of society. The contradictions produced by a particular division of labour fuel a dialectical struggle <sup>40</sup>. Marx's "scientific socialism" focuses on the class struggle of his time; the contest between the forces of capitalism, and those of the proletariat or working class. He rejects the notion of the individual as the fundamental unit of analysis (Schellenberg, 1982: 61). The relations of production inherent in the system indicate that capitalists will become fewer and wealthier and the proletariat will become poorer and more numerous. The theory predicts that this contradiction will become ever more difficult to sustain, and will finally lead to the overthrow of the system in a revolution, that will result in a proletarian-led socialist society that will gradually be transformed into a true communist society, devoid of the class distinctions of the past, and characterized by complete equality.

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<sup>40</sup> See, for instance, Schellenberg's account of the Marxian approach to conflict. Schellenberg sees Marx as a conflict theorist of a threefold kind. He writes "His analysis of contemporary society was grounded in the study of economic forces. His philosophy of history was grounded in a peculiar mental set (dialectic) which affirmed conflict as a basic law of life. And his political stance as a revolutionary led him not only to analyze social conflict but to agitate actively for it" (1982: 61,62)

Writers belonging to this school believe that a relatively peaceful, consensual society may emerge only after revolutionary conflict has occurred. In this sense, conflict is regarded positively by Marxists, because it is the engine that gives rise to their desired end-state the classless society. Other social theorists, such as Max Weber <sup>41</sup> and Dahrendorf, though still structuralist however, see conflict as centring around access to authority, as opposed to property (Wehr, 1979: 3). The ideas of Marx and those who based their ideas on his work were extremely influential, impacting not only on political revolutionaries such as Lenin and Guevara, but also on scholars such as Fromm and Marcuse.

### **3.5.3.2 Conflict is a Dysfunctional Process in Social Systems**

As has already been mentioned, many people see conflict as an aberration in social systems. Some social theorists, although only a minority, also reflect this view. Foremost among this school of thought must be the functionalist sociologist Talcott Parsons <sup>42</sup>. The functionalists emphasised the following three elements of social systems:

- The general interrelatedness, or interdependence, of the system's parts
- The existence of a normal state of affairs, or state of equilibrium, comparable to the normal or healthy state of an organism

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<sup>41</sup> According to James Duke, as cited in Schellenberg, Weber's conflict theory also reflects Dahrendorf's position, and can be summarized as follows:

"1 Conflicts of interest are endemic in social life.

2 Power is differentially distributed among groups and individuals in any society. 3 Social order is achieved in any society through rules and commands issued by more powerful persons to less powerful persons and enforced through sanctions. 4 Both the social structure and the normative systems of a society are more extensively influenced by powerful persons (true by definition), and come to represent the interests of these more powerful persons.

5 Social changes are often more disruptive to powerful persons than to less powerful persons. Powerful persons therefore generally favour the status quo and oppose changes that would reduce their power.

6 However, changes in a society occur as the result of actions by persons who stand to benefit from these changes and who accumulate power to bring them to pass."

<sup>42</sup> The criticism of Parsons presented above is not intended to detract from the enormous contributions that Parsons would make to the development of sociology as a discipline. His building of grand theory, including the systems level approach, theory of action, and pattern variables, within the field is unparalleled. Parsons' approach emphasized continuity and the integration of society at the expense of conflict, its other constant, however.

- The way that all the parts of the system organize to bring things back to normal (Wallace and Wolfe, 1999:8).

These perspectives open Parsons and his colleagues up to particular criticism from the theorists of conflict. According to Coser, Parsons views conflict much as a medical doctor views disease. He writes that: "Parsons was led to view conflict as having primarily disruptive, dissociating and destructive consequences" (Coser, 1956: 21). This approach sees cooperation as the normal form of social intercourse, and its supporters find it difficult to deal with processes of conflict and change in societal context. It emphasizes social adjustment and system maintenance, and is "... more interested in social order than social change" (Dougherty and Pfaltzgraf, 1981: 302). Wallace and Wolfe (1999: 44) develop this position further as follows: "Parsons treated deviance in a way that implies disapproval, saying very little about its origins or justification but discussing it as a source of disequilibrium to which negative sanctions are appropriately applied,"

Those who criticize Parsons, especially those from the "Conflict" perspective of social analysis contend that "...his approach implies approval of the status quo at the expense of discounting the conflicts of interest, inequalities, or outright oppression that a social system may incorporate" (Wallace and Wolfe, 1999:45).

The functionalist scholars also take a narrow view of conflict, which is seen by them as essentially only a form of behaviour, and so misses out on the multi-dimensionality of the phenomenon (Wehr, 1979: 3).

### **3.5.3.3 Conflict is Positively Functional for Social Systems**

Many theorists, and this seems to be an increasing proportion, support the opposite view to those mentioned above. Coser is widely regarded as the chief standard-bearer of those who see conflict as primarily a functionally positive force in the development of society (see for instance Wehr, 1979: 5, Dougherty and Pfaltzgraf, 1990: 311, 312). However, George Simmel, who

wrote an extremely influential essay entitled "Der Streit" <sup>43</sup> in 1908, largely anticipates the later work of Coser, with his allowance for the positive aspects of conflict. Sometimes labelled the Conflict Approach, these theorists are also associated with Marx and Dahrendorf.

According to Simmel's analysis, conflict has positive, as well as negative aspects, which are so closely related that they can be separated conceptually, but not empirically (du Pisani, 1988: 39). According to Schellenberg (1996:65) and du Pisani (1988, 39,40), Simmel saw discord and divergence as being factors instrumental in maintaining the unity of groups: "A certain amount of discord, inner divergence and outer controversy is organically tied to up with the very elements that ultimately hold the group together..." (As quoted in Schellenberg, 1996: 65). He maintained the impossibility of the existence of a group that was totally harmonious. He goes further to maintain that such a group could in fact "...show no real life process" (du Pisani(1988:40)).<sup>44</sup>

According to Fisher (1971:192):"In his discussion of conflict, however' Simmel's intention appears ... to expound his conviction that human life is inextricably enmeshed in a basic dualism. Thus, without denying the destructive potential of conflict, Simmel calls attention to an essentially integrative function that it performs. In his view life oscillates constantly between such opposing tendencies as love-hate, cooperation-competition, harmony-discord, and the like. If the whole is to have any shape, if it is 'to really be the whole'. Simmel insists, then each element in the contrasting pair must be present to some degree, and therefore each is to be viewed as making a positive contribution toward sustaining group relations, always providing that violence is subjected to at least some restrictions. Otherwise, warns Simmel, (citing Kant), open conflict would become a war of

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<sup>43</sup> This was later translated into English, entitled "Conflict"

<sup>44</sup> This assertion is echoed much later by Lee(1964), as quoted in the work of conflict resolution theorist Chris Mitchell, when he states : " ... Social conflict is a likely guest wherever human beings set up forms of social organization. It would be difficult to conceive of an ongoing society where social conflict is absent. The society without conflict is a dead Society..."

extermination. He comments in particular upon the need to refrain 'at least from assassination, breach of word, and instigation to treason.'

The tension between discord and harmony, and their interdependence, is further developed by Simmel into the proposition that external "...war promotes internal cohesion [in groups], yet internal political centralization increases the probability that external release of tensions will be sought through war." (Dougherty and Pfaltzgraf, 1981:304), and also " ... war with the outside is sometimes the last chance for a state ridden with inner antagonisms to overcome these antagonisms, or else to break up indefinitely." (ibid: 304). This assertion has been one of the major avenues of scholarly inquiry into social conflict in the Twentieth Century.

Simmel's work is also important in that he gave attention to the issue of conflict resolution. He recognized that the "...transition from conflict to peace is more problematic than that from peace to conflict... and... The termination of conflict is therefore a distinctive activity, and it, deserves special sociological attention" (quoted in Schellenberg, 1996: 66).

Simmel goes on to identify five main types of patterns in the termination of conflict

1. The disappearance of the object of conflict,
2. Victory for one of the parties,
3. Compromise,
4. Conciliation and
5. Irreconcilability (Schellenberg, 1996:66)

Early sociological work in this genre, was that of Robert Park and Ernest Burgess, who in their influential 1921 work "An Introduction to the Science of Sociology", distinguished between conflict and competition. They viewed competition as not requiring direct confrontation; it is the underlying struggle, which will only be considered conflict, once it becomes conscious and direct.

<sup>45</sup> In this view, competition is the broader concept, of which conflict is simply a special case (Schmidt, S.M. and Kochan, T.A, 1972 360 – 361).

Park and Burgess explain how conflict and competition may be resolved into accommodation or assimilation, with the latter involving the complete "overcoming" of differences, while the former merely entails making adjustments to competition or conflict (Schellenberg, 1996: 65).<sup>46</sup>

Lewis Coser, in his work on social conflict, distinguishes between two functions of social conflict - "integration" and "coercion". In this, he echoes the ideas of Simmel alluded to above.

More than any other scholar, however, Coser has become associated with what he calls the "positive" or integrative functions of conflict (du Pisani, 1988: 32 - 34).

In his seminal work; *The Functions of Social Conflict*, (1956) Coser argues at length and demonstrates how conflict performs several of what he regards as extremely valuable social functions of group binding and group preserving, and how it even binds antagonists together in a relationship - how it establishes and maintains balances of power, and how it creates associations and coalitions (Coser, 1956).

Schellenberg presents in summary form the following list of Coser's central propositions:

- Conflict serves to establish and maintain the identity and boundary lines of societies and groups

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<sup>45</sup> This assertion is echoed much later by Lee (1964), as quoted in the work of conflict resolution theorist Chris Mitchell, when he states: " ... Social conflict is a likely guest wherever human beings set up forms of social organization. It would be difficult to conceive of an ongoing society where social conflict is absent. The society without conflict is a dead Society..."

<sup>46</sup> Again this distinction between accommodation and assimilation neatly foreshadows John Burton's later distinction between the "settlement" and "resolution" of conflict

- Conflict is not always dysfunctional for the relationship within which it occurs; often conflict is necessary to maintain such a relationship.
- Antagonism is usually involved as an element in intimate relationships.
- A conflict is more passionate and more radical when it arises out of close relationships.
- Conflict with another group leads to the mobilization of the energies of group members and hence to increased cohesion of the group.
- Groups engaged in continued struggle with the outside intend to be intolerant within
- Conflict rather than being disruptive and dissociating, may indeed be a means of balancing and hence maintaining a society as a going concern" (1996:65,66).

Perhaps the most important aspect of Coser's work is that it managed to refocus the attention of American sociology onto social conflict, at a time when it was not getting the attention that it deserved.

#### **3.5.3.4 Conflict Theory, and the Sociology of Conflicts.**

To avoid conceptual confusion, it is important to note that apart from their acknowledgements to the founding fathers, there tends to be a divorce between general sociological theory, and the contemporary work on conflict and its resolution - even that which takes place within a sociological tradition. This is especially true when conflict theory is observed. For instance, though Kriesberg, a prominent and well-published scholar within the "sociology of conflict" tradition is an often-used source in the "sociology of conflict" field, Randall Collins, who is the prominent contemporary figure in "conflict sociology" is almost ignored. On the other hand, Kriesberg's work on conflict is almost ignored by the general, introductory sociology works. This discontinuity indicates the emergence of a separate sub-discipline that while acknowledging its roots, particularly the earlier scholars, interacts less with mainstream Sociology<sup>47</sup>.

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<sup>47</sup> In this regard, the critiques by Jabri of Burton's work, in a sense represent the larger discipline in dialogue with the conflict resolution school.



The explanation for this may be that conflict sociology is a particularly bleak perspective of society, that is relatively unconcerned with addressing conflict through any form of intervention and is perhaps even normatively opposed to it. This is opposed to the overtly interventionist views of the sociologists of conflict, such as the social process theorists.

#### **3.5.3.5 Social Process Theorists**

The social process perspectives, as the title implies, are concerned with the process of conflict. How conflict emerges, escalates, de-escalates and terminates, is the subject of their focus. In this, they are interested in the changes that groups and individuals in conflict undergo. Power differentials, the modes of conflict (persuasion, coercion and reward), and the outcomes that result from these (withdrawal, imposition, compromise and conversion) are all highlighted, as is the role of third parties. This work is largely an applied approach that is interested in the management of conflict. The understandings that these scholars generate are consciously developed to assist mediation and other forms of conflict intervention. Prominent social process theorists would include the likes of Pruitt and Rubin, and Louis Kriesberg. Kriesberg, in his *Sociology of Social Conflicts* concentrates on the emergence of conflict, from the background, objective condition, to become manifest. Only once parties, or "conflict units" as he calls them, become aware of their incompatible goals, experience dissatisfaction with these, and finally believe that they can reduce that dissatisfaction through some form of action (Kriesberg, 1973). Even a cursory reading of this work would highlight the extent to which it is informed by the earlier work of Simmel and Coser. Some of Kriesberg and his colleague's work also indicates a similar concern as Burton and others have with the deep-rootedness of certain social conflicts <sup>48</sup>.

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<sup>48</sup> See for instance, Kriesberg, L., Northrup, T. and Thorson, S.J., 1979, *Intractable Conflicts* and their Transformation

### **3.5.3.6 Social Identity and Conflict**

Related to Social Process theories, but deserving separate mention due to its high profile, and a clear link to the analytical conflict resolution school, is the field of social identity and conflict. According to Staub, invoking Tajfel (1982), Turner (1987), and Myers (1999), "Social identity theory has focused on how people categorize themselves (and others) as members of groups, how they identify themselves with certain groups, and the tendency they have to enhance themselves by comparing themselves favourably with other groups" (Staub, 2003: 164). Black relates the notion of social identity to conflict when he writes that (2003: 121) "Groups formed on the basis of social identity, which we may reasonably call identity groups are always and everywhere the main constituents of political struggle."

There is voluminous literature on the role of social identity in relation to social conflict and its management. Ashmore, Jussim and Wilder (2003: 3) claim that "...social and behavioural scientists have increasingly emphasized the role of self and identity in the causes and consequences of intergroup hostility and harm-doing." Much of the work is coupled to various discourses on conflict dynamics. Coy and Woehrle (2000: 7 -10), for instance explain how social identity interacts with conflict activity, to produce both escalation and de-escalation of conflict. There is a tendency to link social identity to human needs in the context of conflict. Coy and Woehrle assert that though social identity is a manifestation of basic human needs as Burton proposes, it is not as static as Burton seems to suggest, but is a dynamic phenomenon, that impacts on conflict, but is in turn, also constituted by it. It is therefore a potential source of influence for those who seek to manage or resolve social conflict, stating that: "Moving or blurring social boundaries then may hold some promise for creating a shift in seemingly intractable conflicts." (2000:14).

Kriesberg (2003), Coy and Woehrle, (2000: 14), and Kelman (2003: 210, 211), all stress the link between social identity, and protractedness in social conflict. One of the major issues confronting the scholars of social identity as it pertains to conflict, is the conditions under which identities promote destructive social conflict. For Black (2003: 121), it is the process by which

“specific public dimensions” [of identity] can come to engulf the self, swamping all other dimensions and thereby becoming a “total social identity”, that is of interest. Maalouf provides us with a clue to those conditions as follows:

“People often see themselves in terms of whichever one of their allegiances is most under attack. And sometimes, when a person doesn’t have the strength to defend that allegiance, he hides it. Then it remains buried deep down in the dark, awaiting its revenge. But whether he accepts or conceals it proclaims it discreetly or flaunts it, it is with that allegiance that the person concerned identifies. And then whether it relates to colour, religion, language or class, it invades the person’s whole identity.” (2003: 26).

### **3.5.3.7 Structuration Theory**

In seeking to overcome the gap between the two, seemingly mutually exclusive approaches of individualism and structuralism, prominent sociologist, Anthony Giddens, has postulated that the best way to explain the sources of human behaviour, lies in the interaction between human beings and their environment. In other words, the sources of behaviour are to be found, not within the human agent himself, or in the institutions and structures within which he operates, but in the interface between agent and environment. Whereas the environment will, to some extent determine behaviour, the fact is moreover that human action also determines the environment.<sup>49</sup> This is nowhere more important than in the case of communicative action, in terms of which communication constitutes the environment. Humans and their environment are therefore said to be "mutually constitutive".

Although Giddens himself has not specifically contributed to the conflict literature, these ideas have been used by others, including some, such as

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<sup>49</sup> Citing his earlier work, Giddens (1995a:72) explains his approach as follows: "According to the Theory of structuration, all social action consists of social practices, situated in time-space, and organized in a skilled and knowledgeable fashion by human agents. But human knowledgeability is always "bounded" - by unacknowledged conditions of action on the one side, and unintended consequences of action on the other. A crucial move in this theory is an attempt to transcend the opposition between "action" theories and "institutional" theories..." See also Giddens (1995b: 335 - 343), and Wallace and Wolfe (1999:180 - 183) for further discussion of the structurationist approach.

Jabri, in the conflict resolution arena, to develop their explanation of the causes of social conflict.<sup>50</sup>

### **3.5.4 International Relations**

The field of International Relations has long studied, as one of its main focus areas, the nature and causes of warfare. The field of deep-rooted social conflict, dealing as it does with civil wars, or cases of internal warfare, as they are being called<sup>51</sup>, therefore intersects with the domain of international relations. Both fields deal with warfare and its origins. International Relations is the older of the two disciplines, and has provided many of the scholars of the conflict resolution field, such as John Groom, Michael Banks, Chris Mitchell, Johan Galtung, and John Burton, to name but a few of its more prominent members. To some extent, the growth of the Conflict Resolution field is a reaction or response to the dominance of International Relations in the study of warfare. The intersection of the two fields, and the tensions between them have become more evident in the Post Cold-War era, with the increasing frequency of incidences of Internal warfare' and a decline - in fact a near disappearance - in the number of conventional incidents of interstate warfare.

There are a large number of writers who operate almost exclusively in the field of international conflict. They draw on their own sets of assumptions, and a body of historical knowledge and principles that are quite distinct from the other social science disciplines. We will mention only some of the more important approaches below, although each approach contains a number of groupings, concentrating on various international phenomena.

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<sup>50</sup> See for instance the references to Vivienne Jabri elsewhere in the chapter.

<sup>51</sup> See, in this regard, the work of Snow, (1996), chapters 2,3,4 for a discussion of "internal warfare"

#### **3.5.4.1 Conflict is the Natural Result of Competing Sovereignities**

At the level of conflict among nations, it has been the dominant view, since the subject was first written about, that states, as sovereign entities, are perpetually engaged in struggles to expand their power.

This school of thought, personified by writers such as Hans Morgenthau and E.H. Carr, and commonly known as "Realism", or the "Power Politics"<sup>52</sup> school, sees this situation as natural, inevitable and even, in some cases, as desirable. Although applied only to the level of state-actors, it has much in common with the instinct theories of aggression applied to individuals (Sandole, 1993:), and is influenced by Hobbes's view of the state of nature being a state of war of everyone against everyone else. It traces its roots back all the way to the Greek historian, Thucydides, and numbers Machiavelli and Von Clausewitz among its early exponents. It was given a renewed impetus by E.H. Carr in the interwar years, which persists to this day (Viotti and Kauppi, 1987-34, 35).

The Realist school builds its theories from five core assumptions, which we list below:

- States are the only important actors in world politics. All other organisations that are active at this level, such as multinational corporations and intergovernmental organisations, are subservient to, or the instruments of, states.
- States are unitary actors. They speak with a single voice, and there is no sense in which states may consist of different agencies (such as Military and Diplomatic departments, or pressure groups), which reflect different, often competing images to the world.
- States are rational actors. Because states are seen as being unitary, they are also regarded as rational, and coherent actors.

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<sup>52</sup> Scholars variously use the terms "realism", "classical realism" "political realism", "realpolitik", "macht politik", and "power politics" to denote this approach.

- The international system is anarchic. This reflects the situation that states, being sovereign, recognise no superior power. There can therefore be no international keeper of order, and therefore,
- States are forced to rely on their own power to protect themselves, which implies that they continually expand their military potential<sup>53</sup>.

According to the realist view, the best means of limiting the destructiveness of international conflict is for the competing states to amass sufficient power to deter possible attacks by one another (Taylor, 1978: 122 - 140).

This perspective sees a distinct separation between the domain of domestic politics and that of international relations. There is a clear dividing line, and the two worlds hardly intersect. It has been called the billiard-ball approach<sup>54</sup>, as the image conveys nicely the behaviour of states conceived as entities that display "hard boundaries" that do not relate to each other's cores, but only impact on each others boundaries and that only in a temporary fashion.

The fundamental concept for the realist scholars, is power, generally conceived in terms of military might. Typically, realists concern themselves with the structure of power in the international system, and debates in the field typically centre around whether bi-polar or multi-polar models, are the most suitable bases for stable, versus unstable international systems".<sup>55</sup>

This school has only recently come up against widespread criticism within the field of International Relations. Many feel, quite justifiably, that the realist formula encourages arms races and aggressive policies and that it is essentially a self-fulfilling prophecy that destabilizes the world order. According to Vasquez, for instance: "Power politics behaviour is a series of

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<sup>53</sup> See for instance, Viotti and Kauppi,(1993) Chapter two for an in-depth discussion of the realist approach to international relations

<sup>54</sup> See for instance, Heywood (1997:144) for a reference to John Burton's coining of the "billiard ball" term for the realist perspective, in his work on "World Society".

<sup>55</sup> See for instance Kenneth Walz "The structure of international power"

steps to war, not to peace. It is one of the great contradictions of the history of the modern global system that while the theory of power politics has been offered as the only realistic path to attain and secure peace, the practices of power politics have been associated with the outbreak of war.” (1993:86). Realism remains the most influential approach to international relations, however, providing large numbers of political advisors and senior diplomats from its ranks.<sup>56</sup>

#### **3.5.4.2 Structuralism or Globalism**

The structuralist approach is another non state-centric approach to world politics. It views the fundamental conflicts as being economically-based, and between the capitalist, wealthy North, and the poorer, non-capitalist South. According to this view, the capitalist class continues to extract wealth from the poorer classes, mainly in Asia, Africa and Latin America. This Marxist-influenced set of approaches had its origins in the work of Lenin and Hobson, and was taken further by Latin American (dependencia) scholars in the Sixties and Seventies.

The main assumptions of the approach are:

- It is necessary to understand the global context, or system within which states and other entities interact.
- In comprehending the global system, historical analysis assumes key importance, especially insofar as the understanding of capitalism is concerned.
- Mechanisms of domination sustain uneven development, keeping Third World states from developing.
- Economic factors are the main impetus driving the world capitalist system

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<sup>56</sup> For instance, Henry Kissinger, Jean Kirkpatrick, and Condoleezza Rice, to name but a few prominent realists in the United States' security and foreign relations establishment. See also Sandole, (1999: 7 – 9) for a discussion of the dominance of realism in international relations.

This approach has received perhaps its most complete treatment in the work of Emmanuel Wallerstein, who has distinguished two main world regions - the centre, and the periphery.<sup>57</sup> The centre is portrayed as largely capitalist, high value producing, and exploiting, situated in the states of the North-principally the United States, and Europe. The centre is distinguished from the periphery, which is comprised of the largely poverty-stricken, low-value, commodity exporting, classes of the global South, situated largely in Asia, Africa and Latin America (Wallerstein, 1987: 507 - 518).

The relationship between, Centre and Periphery is viewed as essentially exploitative, with the Centre extracting value from the periphery, which becomes poorer, to the extent that the centre becomes more wealthy. The situation is complicated, however, by capitalists within the periphery, who act as agents of the centre, facilitating the wealth extraction process from centre to periphery. These are known as the semi-periphery.

#### **3.5.4.3 The World –Society Approach**

The Pluralist group of approaches, within which "World Society is located, displays the following characteristics Non-state actors are important entities in world politics. They are more than simple frameworks within which states operate. Pluralists do not see the state as a unitary actor. States are comprised of competing individuals, interest groups and bureaucracies. Therefore, the state cannot be viewed as a rational actor. The clashes of interest underpinning decision-making, and the compromises that are struck can lead to irrational decision-making.

The pluralists, while accepting the importance of national security concerns, postulate a much more extensive agenda for international politics, with many economic, social and ecological issues arising from the growth of interdependence among states and peoples in the post-war world.

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<sup>57</sup> This approach has much in common with the work of Andre Gunder Frank, who also distinguishes two world regions which he calls Metropole and Satellite.



The "world-society" school of thought within the international field draws upon the insights of the psychological and sociological approaches mentioned above, and attributes inter-state conflict to decision-making processes, or the flawed domestic arrangements within states, which flow over into the international sphere (Burton, 1984, Burton, 1987). According to John Burton, who is most closely associated with the perspective, we should rather, therefore speak of "world society", than international relations, which is a misleading term. There are many transactions in addition to those between governments that cut right across state boundaries. Indeed, state boundaries themselves are no longer the only significant boundaries. Burton speaks of scientific ideas, and administrative and cultural practices that all transcend state boundaries. Maps of the world with their emphasis on geographical state borders can be very misleading, and we need to think globally, rather than nationally if we are to capture the nuances of world society.

Certainly, the distinction between international and domestic politics is false and misleading. According to Burton "...these state studies cannot tell us much about the nature of conflict among communities that originates within states and spills over into world society" (1993: 376).

Most of the World Society theorists certainly view the occurrence of violent interstate conflict, or war, as dysfunctional and avoidable. Indeed, they are extremely critical of the Realist school, which they accuse of promoting a self-fulfilling prophecy of constant violent conflict within the area of interstate relations (Burton, 1984: 3 -24, Viotti and Kauppi, 1987: 61, Banks' 1989: 374).

Burton explicitly rejects the "billiard-ball" model of international relations that he attributes to Realists such as Kaplan and Waltz, and opts instead for a "cobweb image" of world society. In respect of international conflict, Burton maintains that:

"An image of world society that comprises separate state entities, each potentially hostile to others, leads understandably to defensive policies. Is the image a realistic one, or are the conflicts that occur and seem to validate the

image merely the consequences of our having this image?" (Burton, 1993: 384).

#### **3.5.4.4 Peace Research**

Another important group of scholars, operating mainly, but not exclusively within the area of international conflict, and closely related to the "world society" writers, is the peace studies group' with Johan Galtung as the most influential scholar in this school. The *Journal of Conflict Resolution* and the *Journal of Peace Research* are the two most important journals, which reflect the debates in this field (Dunn, 1978:257-279).

Although starting out as a focus on the study of international conflict, it is important to note that the peace-studies initiative has increasingly focused on the underlying conditions for conflict, and as such has become increasingly multi-disciplinary (Dunn, 1978: 257 -279). There has therefore been an emphasis throughout on the need to reform the structures and institutions of international society as a means of dealing with destructive conflict.

Johan Galtung's ideas, such as the development of the concept of "structural violence", and the threefold model of social conflict presented above, have been of central importance to the general field of Conflict Resolution.

Galtung writes of a tripartite division of Peace Studies. In the first place, Empirical peace studies, based on the systematic comparison of theories with empirical reality, revising the theories if they do not agree with the data - data being stronger than theory<sup>58</sup>.

In the second place, critical peace studies which are the systematic comparison of empirical reality (data' with values, trying... to change reality if it does not agree with the values - values being stronger than data.

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<sup>58</sup> This study could be said to belong to Galtung's first category, as it compares theory to the South African case.

Thirdly Constructive peace studies, which are the systematic comparison of theories with values, trying to adjust theories to values, producing visions of a new reality - values being stronger than theory.

Values, particularly the value of treating conflict is entirely compatible with Peace Research. Therefore, Galtung supports a tripartite approach to Peace Studies - that of diagnosis, prognosis and therapy. For him, the parallel is not with engineers or architects, but rather with physicians (1996: pp 10, 11).

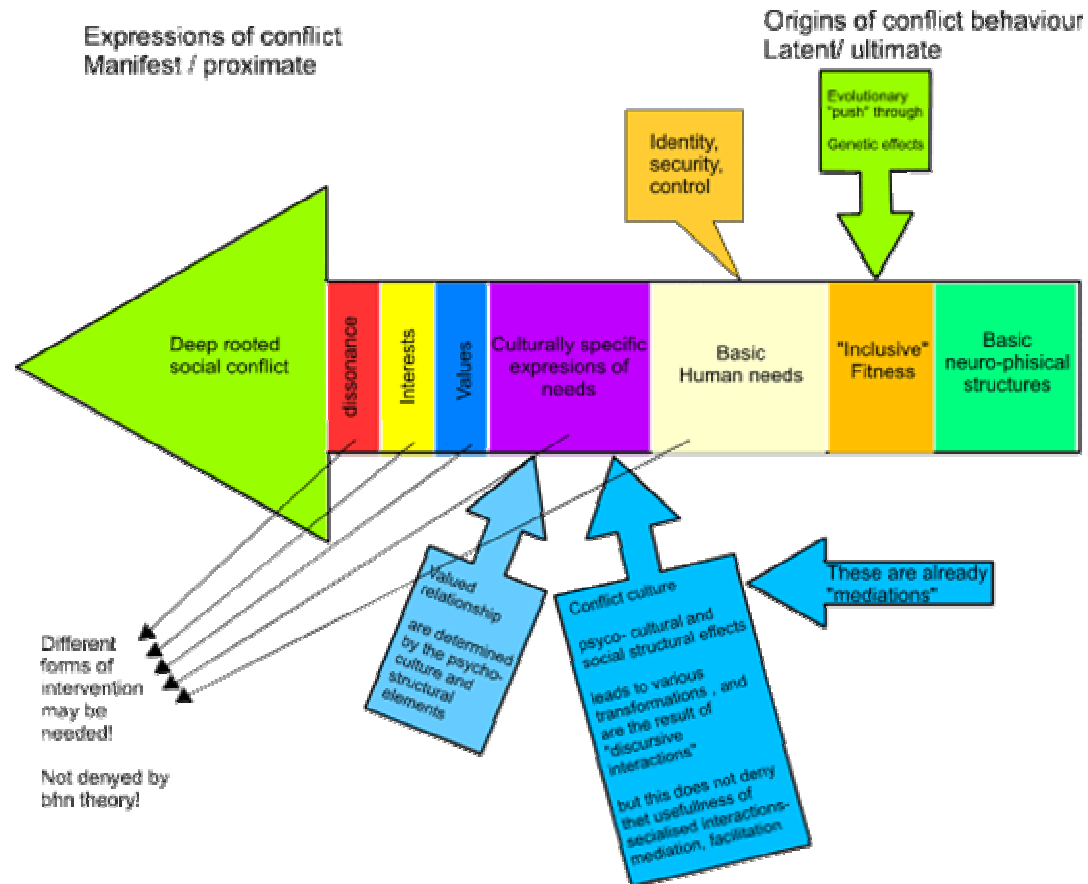
### **3.6 Summary and Conclusions**

Conflict is a ubiquitous and inevitable fact of social existence. It has both negative and positive consequences, and visible and invisible manifestations. There are a wide variety of perspectives in the explanation of social conflict. Although some scholars point to a measure of conceptual confusion in the field, different theorists are often only explaining selected aspects of the phenomenon - they do not necessarily contradict each other. In this regard, we can agree with the editors of the Journal of Conflict Resolution who write in their evaluation of a colloquium held at Northwestern University in 1956, on the Approaches to the Study of Social Conflict, when they write: "It is noteworthy that , despite the apparent differences in conceptualization [of conflict], there is no necessary underlying irreconcilability" (Vol 1 no 2: 110).

Various elements of individual personality and behaviour combine with individual and group interaction and interactions with the broader environment including institutions and states to produce conflict. We can therefore agree with Holsti when he asserts that "Studies linking variables from different levels...are few,...Any model of explanation that emphasizes dynamics and the interplay of variables at different...levels over time is a distinct step forward" (Sandole 1999:12).

See Figure 3.4 for a diagrammatic explanation of how social conflict is produced.

Figure 3.4 The production of social conflict: an interdisciplinary approach



## **CHAPTER FOUR: A THEORY OF DEEP ROOTED CONFLICT AND ITS MANAGEMENT**

“Conflict, like sex, is an essential creative element in human relationships. It is the means to change, the means by which our social values of welfare, security, justice and opportunities for personal development can be achieved...conflict like sex is to be enjoyed.” (Burton, 1972: 137 – 138)

“...only when the whole person and the total environment in which the person lives become the focus of analysis can there be an identification of the real problems that lead to social conflicts, and, therefore, to the resolution of conflicts between societies and their members, and amongst their members.” (Burton, 1998: 1)

### **4.1 Introduction**

This chapter focuses on the specific theoretical framework that informs this thesis. That is the school of thought exemplified by the work of John Burton, and a number of scholars associated with him, including Edward Azar, Denis Sandole, Herbert Kelman, Christopher Mitchell, Michael Banks and Ronald Fisher. This school of thought is often referred to as the analytical conflict resolution school, to distinguish it from other approaches to managing conflict, or the human needs school, based on its explanation of the origins of deep-rooted social conflict. It refers to a group of scholars who have rejected the explanations of political realism, in favour of the “world society” view, who reject what they regard as the false distinction between domestic and international politics, who take basic human needs as their explanatory point of departure, and who have developed a theory of practice organized around longer-term conflict resolution, based on problem solving workshops, or similar interventions. All of these aspects will be dealt with in greater detail below.

We will focus on the life and works of John Burton, the concept of deep-rooted social conflict, the basic human needs theory of conflict, and the theory and practice of conflict resolution, including analytical problem-solving workshops. We will additionally discuss the critiques of analytical conflict resolution that emanate from the cultural, international relations and structurationist scholars.

John Burton's work will generally be cited as the exemplar of this body of work. His writing is regarded as being of central importance by his followers and critics alike. According to Mitchell, for instance, Burton was one of a generation of scholars, including the likes of Kenneth Boulding, Morton Deutsch and Johan Galtung, "who worked to make the field [of conflict analysis and resolution] not only accepted, but rigorous, relevant and challenging". This sentiment is echoed by Väyrynen, who calls him a "man ahead of his time", and goes on to write that "His influence on the Anglo-American conflict analysis tradition is comparable with Johan Galtung's influence on the Scandinavian peace research."<sup>59</sup>

#### **4.2 John Burton's life and contribution to the field**

The central figure of the Analytical Conflict Resolution approach, John Burton is also regarded as a 'founder figure' more generally of the whole conflict and peace research movement, along with Kenneth Boulding, and Johan Galtung (Miall, Ramsbotham and Woodhouse, 2000:45 – 47). The three individuals were all prolific authors, and institution-builders of the broader conflict and peace research field in the post-second world war era. Born in Australia in 1915, Burton obtained a doctorate in Psychology in 1942, from the LSE. He served in the Australian Foreign Service, where he became its youngest ever director to that date, from 1945 – 1950. He was a delegate to the founding charter conference of the United Nations in 1945 and the Paris Peace Conference in 1946. Burton was subsequently appointed to a post at University College, London, in 1963. He became the first Honorary Secretary of the Conflict Research Society in London. In 1966, he contributed to de Reuck and Knight (eds) *Conflict in Society*, drawing

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59 See Väyrynen, 1998: p 1

together insights for the study of international conflict from a broader, multidisciplinary field. Burton organized a number of meetings which were to result in the use of what became known firstly, as “controlled communication”, and later, the problem-solving approach<sup>60</sup>. These initiatives received support from the Provost of the University College of London, and the British Social Science Research Council. In 1966, the Centre for the Analysis of Conflict (CAC) was formed under Burton’s Directorship, based at University College, London. The core group associated with University College London, which included Michael Banks, Christopher Mitchell, Anthony de Reuck and John Groom also collaborated more widely with scholars in the United States, including Edward Azar at the University of Maryland, where Burton was influential in setting up the Centre for International Development and Conflict Management, and where they both worked on the concept of protracted social conflict. Burton ended his formal academic career at the Institute for Conflict Analysis and Resolution (ICAR) at George Mason University in Virginia, and as a Fellow of the United States Institute of Peace in the late 1980’s. Trained in both Psychology and International Relations, Burton was explicitly interdisciplinary in his approach. Confronted by the shortcomings of international relations theory and practice, Burton drew on insights of game theory, industrial relations and basic human needs theory. Using the abductive reasoning of philosopher Charles Peirce, he drew these threads together to form a theory of deep-rooted conflict and its resolution. See figure 4.1 below for an explanation of the influences on John Burton’s intellectual development. He produced the four-volume Conflict Series (1990) which was an attempt to definitively capture his intellectual contribution to the field during this period (Miall, Ramsbotham and Woodhouse, 2000: 45 – 47).

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60 These will be dealt with in greater detail in section 4.4.1 below

### 4.3 Deep-rooted, or protracted social conflict

The analytical conflict resolution school focuses on a series of long-standing conflicts around the world, that have proved resistant to resolution by traditional, or conventional approaches over a long period of time. Perennial examples of such conflicts, often cited in the literature, are the Israeli-Palestinian conflict, Sri Lanka, Northern Ireland, and South Africa, among others. Edward Azar (1990) has provided the best description of such conflicts, which he has called "Protracted Social Conflict". These conflicts are sometimes called "internal wars" (as they are not typically conflicts between states) or otherwise "contemporary conflicts"<sup>61</sup> as they are often also called, display the following characteristics:

- They have a strong communal element, which is often the result of a colonial inheritance, and an historical configuration of enmity and competition among identity groups.
- They display an element of human needs frustration, in which human needs are not "evenly or justly" met. Identity, security and other "developmental" needs are regarded as particularly important.
- They entail "distorted" modes of governance, in which the authorities serve the interests of dominant communal groups, limiting the access to resources of other groups.
- They develop international ramifications, associated with economic dependency and political and military client relationships with foreign countries.<sup>62</sup>

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61 See, for instance the work of Miall, Ramsbotham and Woodhouse (2000), and Lederach (1997) for use of this terminology.

62 See for instance, Azar, 1990, pp 2 - 12 for a discussion of the genesis of protracted social conflict. The strength of Azar's model is that he goes further than Burton, by examining the development and "process dynamics" of the conflicts, whereas Burton focuses more on the causes of the conflicts. Azar also makes a very explicit connection between underdevelopment and deep-rooted social conflict, and his conception of basic human needs is closer to the



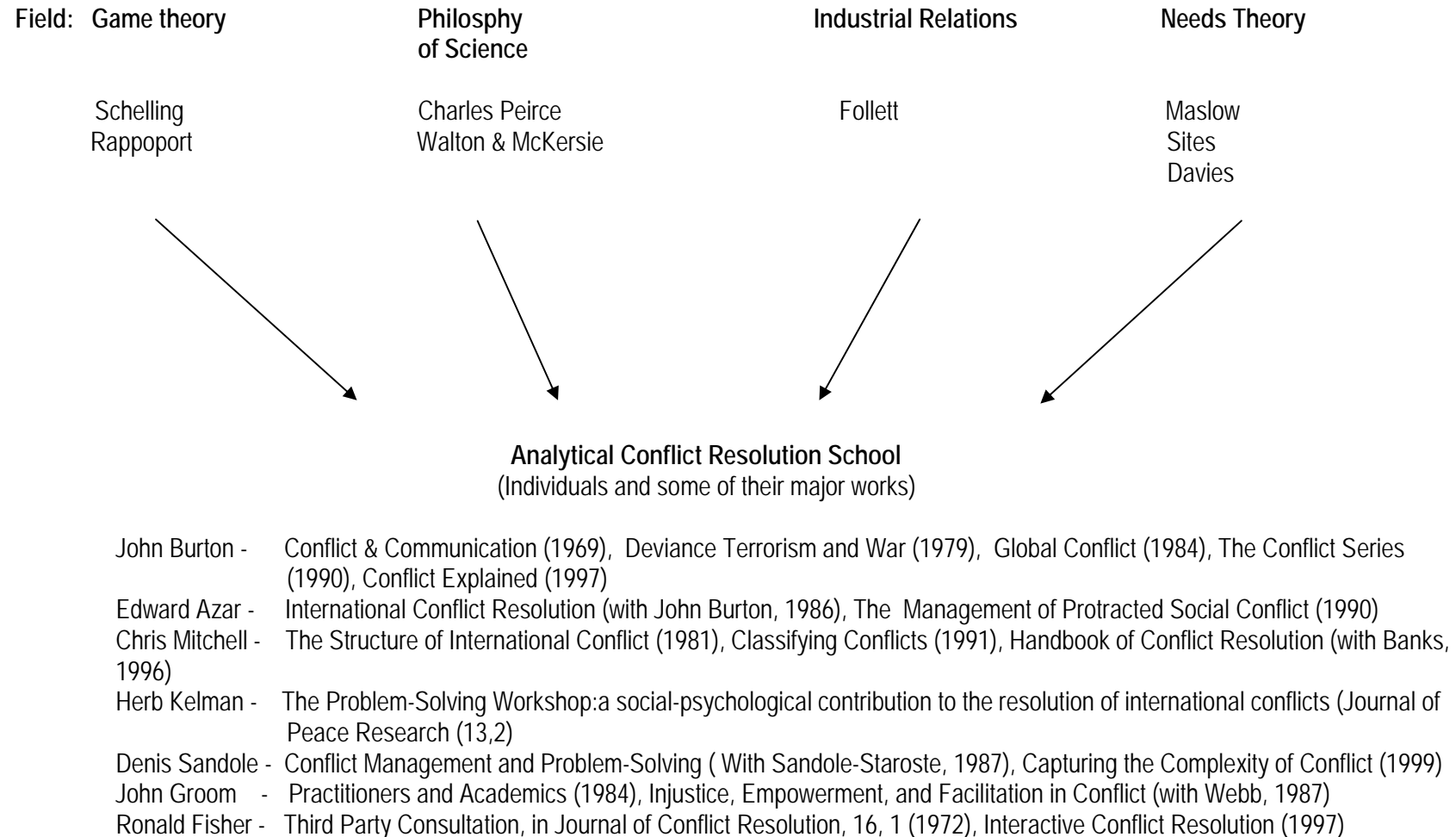
It is important to bear in mind that it is not conflict in general that is being discussed by the "analytical conflict resolution" school, but this special type, which is, in Burton's scholarship, to be distinguished from simple "disputes."

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"development" theorists understanding of needs, and has more of an inclination towards the physical needs although it does not exclude psychological needs.

**FIGURE 4.1**

**THE SOURCES OF THE ANALYTICAL CONFLICT RESOLUTION SCHOOL**



#### **4.3.1 Basic Human Needs**

Central to the analytical conflict resolution approach, is the concept of basic human needs. We therefore discuss the concept as used by the analytical conflict resolution school below.

An overview of general theories of conflict in the post Second World War era suggests that they came in two forms. These two schools of thought could be called conservative personalism (in which human beings are seen to be driven by sinfulness, innate aggressiveness or a lust for power, to engage in conflict) and liberal situationalism (which emphasizes the importance of social determinants)<sup>63</sup>. According to Rubenstein, both schools of thought assumed that governing elites could control their subjects by punishments and rewards, with the emphasis in both traditions falling on the side of force, as the “persuader of last resort”. Both these conservative personalists and liberal utilitarians demonstrate in common the essence of ‘Political Realism’ – the perspective that views political actors both as “...aggressive power seekers and as rational calculators of individual and group interests.” (Rubenstein, 2001: 2). Rubenstein points out further that Burton and other like-minded scholars saw the need for an alternative theory that would fundamentally challenge both these approaches. (2001: 3) Burton and his colleagues felt that existing theories of human behaviour were too partial to solve the problem of conflict. He states: “Our separate academic disciplines have not tackled this question. Each has had its own human construct designed to fit into the system. There has been, for example, ‘economic man’ and a conforming ‘sociological man’. These convenient inventions have led thought away from human behaviour, and, therefore, from a holistic approach to problems. The focus has been on some aspects of these - economic, institutional, legal, social, or political. It has been as though solving an artificially constructed part of a problem could lead to its total solution.” (Burton, 2001b) The alternative they eventually presented, in an attempt to provide the approach with scientific rigour was to be basic human needs theory. According to Tidwell (1998: 41) the basic human needs theory of conflict falls into neither the

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<sup>63</sup> See for instance Rubenstein, (2001:2). Elsewhere (Tidwell, 1997), these perspectives are called inherency and contingency perspectives and it is proposed that Burton’s work represents a third, interactionist perspective.

conservative personalist, nor the liberal situationist group of theories. It is rather based on an interactionist perspective, in which behaviour is seen as being based upon both inherent and contingent factors.

The notion of basic human needs has a long history in the explanation of human behaviour. Early references can, for instance be found in the work of Aristotle and Thomas Aquinas who each proposed their own elaborate systems of human needs (Gillwald, 1990: 115). References to human needs have also been made by Karl Marx in his critique of Hegel.<sup>64</sup> In more recent scholarship, Kurt Lewin also made the connection between human behaviour in society and the satisfaction of their needs explicit (Tidwell, 1998: 66).

John Burton, drawing on the work of needs theorists Maslow, Davies and Sites, postulates the existence of certain basic human needs that all humans pursue. He maintains that understanding these needs as a key determinant of human behaviour is also instrumental in explaining deep-rooted social conflict. The argument proceeds that there are drives and motivations that are based on universal and genetically-derived<sup>65</sup> needs such as those for identity, development and meaning. Although these needs might have cultural expressions, they are not fundamentally determined by culture (Väyrynen, 1998: 2).

The basic human needs stimulus-response model operates according to the notion that physiological needs interact with environmental stimuli. These induce the neurophysiological, or activating stimuli which react to the source of the original stimulus and lead the individual to pursue a need (Fromm, 1973: 239 – 240).

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64 See Rubenstein (2001: 1)

65 Burton has elsewhere (Burton and Sandole, 1987:97) conceded, after a critique by Avruch and Black, and modified his position to proposing a "...theory which is generic and relates ontologically and perhaps genetically to the human person.", thereby softening his insistence on the genetic element.

According to Davies (1970: 615 – 617), however, not all stimuli originate in the environment, as individuals experience substantive, as well as instrumental (including control, security and knowledge) drives. Heller (1980: 220) has proposed an holistic model, including both the articulation and satisfaction of needs, which includes the individual's need awareness, his consideration of alternative need satisfiers and his actions in pursuit of needs satisfaction.

#### **4.3.1.1 The number and nature of basic human needs**

There is no universal agreement among the needs theorists as to the precise number and nature of the needs that they propose. Such imprecision is often the case with phenomena that are not directly observable. For instance, Sandole (1990: 61) quoting Lederer, asserts that needs are “...theoretical constructions ... [i.e.] the existence of an individual's needs, or, stronger, the 'truth' of those needs, cannot be proven in a direct physical way.”

Although the needs are not directly observable, there is sufficient evidence, resulting from the observation of human behaviour, to indicate that they do, in fact exist. Burton (1988 and 1984), and Davies (1988), both set out to demonstrate the existence of basic human needs.

Although there is some disagreement as to exactly what these specific needs are, they are generally asserted to include the need for identity, the need for security, a need for control and a need to be perceived as rational (Burton, 1984).

Prominent needs theorist, Davies<sup>66</sup> (1988:26) presents the following four categories of needs:

- The physical needs
- The social-affectional needs
- The self-esteem, dignity or equality needs
- The self actualisation needs

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<sup>66</sup> John Burton and his followers frequently cite the work of Davies, as well as of Paul Sites as influential in their thinking.

Burton himself (1970:72,73), following Paul Sites (1973:9), initially identifies eight needs - being:

- a need for response and consistency in response;
- a need for stimulation, required for learning,
- a need for security,
- a need for recognition,
- a need for distributive justice,
- a need to appear rational and develop rationality.
- a need for meaning,
- a need for a sense of control.

Burton subsequently adds a need for “role defence” as his ninth human need.<sup>67</sup> Additionally, and crucially, Burton in his later work includes references to a special need for valued relationships, that provides the key to understanding the conditions under which human beings will indefinitely control their drive to satisfy basic needs at all costs (1987: 256).

#### **4.3.1.2 Priorities of needs**

Differences of opinion exist among the needs theorists regarding the relative importance of needs and their satisfactions. For instance, Davies proceeds to show that, although there is a priority underlying needs fulfilment, in that human beings will normally satisfy the physical needs before being able to satisfy the others, sometimes this order may be reversed, as in the case of a martyr who forfeits security and other needs in the course of fulfilling self-actualisation needs (1988: 30). In this sense the later needs theorists have rejected the notion of an inflexible hierarchy of needs as originally proposed by Maslow. That is not to say that all needs are seen as being equally powerful, or important in an explanatory sense, however. A distinction is sometimes made between primary and secondary needs.

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<sup>67</sup> See Burton 1988, pp 34 - 57, for his understanding of the role of basic human needs.

So, for instance, some of the needs postulated by some scholars are rejected by others as not being primary human needs. They may be secondary needs, derived by the urge to satisfy the primary needs. In this way, Davies, for instance, distinguishes between *substantive* needs and *instrumental* needs (Davies: 1988: 26). Paul Sites also warns against confusing needs with "necessary conditions for the gratification of needs" (1990, 24).<sup>68</sup> There is a concern that if we allow a proliferation of all sorts of needs, the essence of the term will be diluted to the extent that we might as well conflate needs with "wants", and that its explanatory power would thereby be compromised.

In this basic human needs or analytical conflict resolution school, especially in the work of Burton, influenced by Davies, the notion of frustration-aggression is further developed. Only in this formulation, the vague, catch-all concept of 'goal-seeking behaviour' used by the frustration-aggression school has been replaced by the more focused notion of human needs satisfaction.<sup>69</sup> The Basic Human Needs scholars proceed to postulate that social conflict (as distinct from disputes) is normally the result of frustrated human needs, as human beings have no choice but to pursue the fulfilment of their needs in the long term. In the interaction of the individual with his institutional environment, it is the individual that should take precedence. When social institutions frustrate the individual's attempts at fulfilling his needs, it is those institutions that need to be transformed, because the individual will continue to pursue his needs regardless. Burton, discussing this relationship between societal norms and human needs, writes:

"...but if the norms of society inhibit and frustrate to the degree that he [the individual] decides they are no longer useful, then subject to values he attaches to social relationships, he will employ methods outside the norms, outside the codes he would in other circumstances wish to apply to his behaviour" (Burton, 1988: 53).

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68 Sites, for instance makes the point that though some see freedom as an important human need, it is not really a need per se. Freedom is simply a 'necessary condition' for the satisfaction of human needs.

69 See, for instance the work of Sandole (1999) who also stresses the role of Davies, in linking the Frustration aggression hypothesis with Maslow's human needs concept.

and

“Threat of punishment, punishment itself, isolation from society will not control his behaviour: already there has been a loss of identity, of a sense of control and of other needs that led to the deviance and further loss will not constrain” (Burton, 1988: 53).

This view of "Necessitous Man" <sup>70</sup> explains much of the seemingly irrational behaviour of people in conflict situations. Their actions, that to the outside observer may seem self-destructive, such as those of the suicide bomber for instance, are driven reactions, in the service of needs that have been long frustrated. As Paul Sites (1990: 27) cogently asserts: “The difficulty of resolving conflict in all this becomes evident....People are driven by emotions which are tied to needs. Because of this, appeals to reason are not likely to be effective. To ask persons with great power to share this power is to ask them to give up the possibility of gratifying needs as they see them from their immediate perspective.”

The theory also holds that there is one constraint that prevents human beings from blindly satisfying their needs to the point of anarchy and social destruction. That is the constraining factor of our need for valued relationships. In the words of Burton: “The only constraint on this seemingly anarchic behaviour is that the individual and group have needs for valued relationships with others, for it is through these that security, identity and recognition ultimately are required. Social conformity or socialization is limited to that which contributes to valued relationships.”

It is important to make the point here that it is not necessarily the needs of people themselves that are seen to be in conflict, but rather the attempts of individuals and groups to satisfy their needs that can be incompatible<sup>71</sup>. It is

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<sup>70</sup> This term, alluding to the notion that the essential nature of mankind is to seek needs satisfaction – hence “necessitous “ - is developed by Christopher Mitchell (1990:149 – 176)



therefore the satisfiers of needs that are sometimes in short supply, or perceived to be at the heart of conflicts.

This approach views conflict as having both objective and subjective dimensions. Chris Mitchell (1973:128) explains the relationship between the subjective and objective elements as follows:

“While a conflict may be objective at a particular point in time, changes in the parties’ objectives, preferences, evaluations, and calculations that occur over a period of time render it a changeable and hence an intensely subjective phenomenon. Conflict may be described as subjective, then, in the sense that changes occur within the parties themselves (and their orientations to the dispute forming part of their environment), rather than in the ‘objective’ situation external to them from which the originally mutually incompatible goals arose”.

The approach also takes a "wider", rather than a "narrower" view of conflict, it attempts to transcend system levels, as well as disciplinary boundaries (Burton, 1995: 121). Most seriously for conflict management, it implies that conscious agreements arrived at through processes of negotiation will continue to break down if they continually impede the satisfaction of basic human needs.

For Rubenstein (2001: 3), basic human needs theory offers four important advantages to theorists and practitioners. Firstly, the theory allows conflict specialists to make a justifiable distinction between conflicts that can be dealt with by employing the “conventional trinity of force, law, and/or power based negotiation”, and those whose resolution requires other means. Secondly, the human needs framework can assist conflict resolvers and analysts to understand the inconsistencies intrinsic to general notions like ‘negotiation’

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71 For instance, in *Generic Theory: The Basis of Conflict Resolution* (1986), Burton and Sandole write that conflict may be the result of culturally determined ways in which needs are expressed, rather than a clash of basic needs as such (333 – 344)

and 'dispute resolution', and the need to tailor conflict resolution processes that closely relate to a conflict's generic sources. Thirdly, the needs-based approach undermines conventional understandings of conflict causation, in particular the view that destructive social conflicts are produced "...instrumentally by a few manipulative leaders, or expressively by the sheer existence of cultural or ideological differences". Finally, according to Rubenstein, needs theory offers a framework for linking conflict analysis with conflict resolution (2000: 3). It is to the application of the theory through analytical conflict resolution that we now turn.

#### **4.4 Analytical Conflict Resolution**

The terminology of conflict resolution is used in a very specific way by the analytical conflict resolution school. This clarification of their specific view of conflict resolution will serve as the basis for judgments concerning the South African conflict transformation process examined in Chapter nine below.

We use the term "analytical conflict resolution school" (which will be abbreviated to ACRS) in the narrow sense here, to refer to the specific approaches of the basic human needs/conflict resolution school, in the same way that its members do<sup>72</sup>. In this sense, analytical conflict resolution represents a theory of practice, applied to deep-rooted or protracted social conflict that is based upon a human needs understanding of the conflict, within a world-society, rather than a "realpolitik" or power-centric framework. Although we include conflict resolution towards the macro end of the spectrum of conflict theories, it straddles the divide between domestic and international frameworks, in that it explicitly links the two conflict domains as being "mutually constitutive"<sup>73</sup> In the words of Azar in this regard: "Many conflicts

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<sup>72</sup> See the discussion of conflict resolution under critiques below.

<sup>73</sup> Azar (1990:n5, 6) has, for instance, discussed a number of scholars who have examined the linkages between "external conflict behaviour", and its domestic sources which include institutional structures, internal conflicts and population pressures, and includes the following: Kissinger, (1969), Rosenau (1966), Rummel (1963, 1973), Wilkenfeld (1973), Choucri and North (1975), Pirages (1978). Alternatively, he also notes that other scholars have pointed to the causal relationships between "external-systemic" conditions and domestic conflicts, and here he includes Eisenstadt and Rokkan (1973), Paige (1978) and Skocpol (1979). At a minimum, we could

currently active in the underdeveloped parts of the world are characterized by a blurred demarcation between internal and external sources and actors" (1990: 6). Azar's words ring even more true in the years since the end of the Cold War.

#### **4.4.1 Dispute settlement and conflict resolution**

Burton himself has very little indeed to say to this issue. There are, however, a number of discernable threads running through the body of his work, and that of his colleagues, that enable us to make some inferences regarding the nature of resolution. There is, for instance a central thread running throughout his work, concerning the critical difference between the resolution and settlement of deep-rooted conflicts. The distinction has been made elsewhere (in our theory Chapter three above) between the two processes – the settlement and resolution of conflicts which feature prominently in Burton's writing. This distinction mirrors the differences that others highlight, between, for instance "accommodation", and "assimilation" (Schellenberg, 1982: 65)<sup>74</sup> as outcomes of conflict. One of the things that the analytical conflict resolution literature has failed to accomplish, though, is to speak in terms other than the very general, about these "higher", and "lower" order levels of conflict regulation. For instance, nowhere does Burton fully operationalize his notion of conflict resolution, though he clearly distinguishes it from conflict settlement, as a cornerstone of the corpus of his work. At a general level however, he makes it clear that a resolved conflict would be one in which the level of needs satisfactions of all the people is met by social institutions at a

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also include Burton (1984), and his book *Global Conflict: The Domestic Sources of International Crisis* to this list of early contributors.

74 Park and Burgess make this particular distinction, in which "accommodation" involves persons making adjustments to situations of conflict and competition, but without resolving fundamental issues. However, they write of "assimilation" when they wish to indicate a situation where parties completely overcome their differences. In this regard, Esterhuyse (2004: 191) makes the distinction between first-order and second-order change. First order change is change within a system, which may also be referred to as adaptation, renovation, incremental change or adjustment. It attempts to change behaviour "...within a prevailing system without affecting its culture, structure and defining values." In contrast, however, the primary objective of second-order change is "...not to intervene in the operations of an institution, but to transform its structure, culture, defining values and overall form." (ibid.)

tolerable level (Burton, 1997). It is especially the satisfaction of identity needs that received much emphasis in his work, and it is additionally noteworthy that a need for distributive justice is also included among Burton's needs.<sup>75</sup>

Burton and his colleagues in the Analytical Conflict Resolution school draw a distinction, between conflict settlement and the resolution that gives the school its name. There are, for Burton, two different forms of conflict. The first form, which is based mainly on interests, and a second form, which is based largely on frustrated human needs, and the values associated with these. The first form, he believes is more properly termed a "dispute", while the latter is much more intractable, and is quite properly referred to as "conflict"<sup>76</sup>. Dispute settlement refers merely to the, usually temporary, ending of hostilities between parties in conflict. It is a temporary cessation of aggressive behaviour, or a cease-fire. In Burton's own words, the dustbins of history are full of short-lived, or failed settlements<sup>77</sup>. If the needs elements of a conflict are not addressed, the conflict will continually reassert itself in behavioural manifestations. Resolution, on the other hand seeks a more durable solution, based on the elimination of needs frustrations underpinning the conflict.

The problem with conventional approaches to conflict management according to Burton is that they are very often power-based, seeking to coerce the

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75 As has been mentioned in our chapter four above, Burton identifies eight needs - being: a need for response and consistency in response; stimulation, required for learning, a need for security, a need for recognition, a need for distributive justice, a need to appear rational and develop rationality. There is a need for meaning, and there is a need for a sense of control. Burton adds a need for "role defence" as his ninth human need.

76 Burton (1995, 120:121), writes that it was "...now clearly necessary to make a distinction between "disputes" and "conflicts", that is situations that could be dealt with by coercion, or by negotiation and compromise, on the one hand, and those in which there could not be compromised and that had to be treated as a problem to be resolved to the total satisfaction of all the parties concerned". And elsewhere, he accuses arch-realist, Hans Morgenthau of omitting "...a human element that defeats his description." He did not recognize any difference between "disputes" (Over physical resources) and "conflicts" (over human needs and aspirations) when he set out his version of realist theory (1997:19).

77 Personal communication with John Burton, 1990

parties into agreements<sup>78</sup>. Burton is at pains to demonstrate the futility of such power in the face of human needs-based motivations. Traditional forms of negotiation and mediated negotiation are actually futile, when used against deep-rooted social conflict, as they encourage compromises that may, if they continue to frustrate the parties' needs satisfaction, be doomed from the outset, as human needs cannot in this view be indefinitely frustrated. Human needs cannot be "traded", according to Burton. In this regard, distributive negotiation is especially problematic, in that it tends to take a zero-sum<sup>79</sup> view of conflict. Whereas interests may be treated in a distributive way, needs satisfaction does not obey this logic at all.<sup>80</sup> Similarly, the exercise of threats or coercion as a form of conflict management are unlikely to prove successful. This contention is supported as follows by Azar who writes: "In the long term, unmet psycho-political and socio-economic needs lead to dysfunctional cognitive and behavioural patterns that are not easily remedied by ordinary methods of diplomacy or the use of force" (1990:2), and later he asserts that "It is naive to assume that protracted social conflicts can be managed by military or balance of power means. It is possible to contain violence for a short while through the application of these techniques, but political and economic development which will reduce the insecurity of individuals and communities is crucial to the process of conflict management" (1990:2).

Note also that this approach goes some way towards squaring the circle of the "level of analysis" problem, in that it links the issue of individual behaviour closely to societal-level and international-level conflict, through Burton's discourse

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78 Burton writes for instance: "Within the traditional power politics [realist] frame in which social behaviours take place and are reported and analysed, human motivations and needs are not relevant" and "There is the traditional and consensus view that there are those who have a right to govern, and those who have an obligation to obey. The reserve powers are threat, coercion and punishment"(1997:19)

79 The term "zero-sum" is used in Game Theory, to denote games in which one party's gain is absolutely proportional to the others' loss. The more one party wins, the more the other party loses.

80 Burton has pointed out that human needs satisfaction operates according to a different logic from interest-based forms of conflict. In *Dear Survivors* (1982: 132), Burton writes: "Human societal needs, being non-material, are increased by consumption." The satisfaction of one party's need for security is not frustrated by the satisfaction of the other party's similar need. In fact, more security for party A in all probability will result in more security for Party B as well.

on individual versus societal needs (Burton, 1988: 35 – 56, Coate and Rosati, 1988 : 10).<sup>81</sup>

#### **4.4.2 The procedural element of conflict resolution**

The procedural element of conflict resolution is described by another analytical conflict resolution scholar, Christopher Mitchell, who maintains that resolution “...involves a contention that an acceptable and durable solution to the issues in a particular conflict between adversaries has been discovered – or mutually created - by the parties themselves, possibly with outside assistance from other ‘third’ parties, or possibly through their own efforts and sometimes with local assistance from ‘insider partials’.” Most importantly though, he stresses that the conclusive ‘resolution’ of any given conflict in no way implies a future without conflict, especially where parties involved have a long history of hostility, fear or mistrust (2002: 2).

Within the literature of the conflict resolution school, perhaps one of the most helpful discussions of the school's conception of resolution is provided by Michael Banks (1987: 259 - 272), who sets out and evaluates four competing conceptions of peace. He firstly writes on peace as a life of harmony, from which conflict itself has been banished. Banks secondly discusses peace as order. He views this as a “... conception of peace as stability; life made predictable and relatively safe by a minimum of political order.”(1987: 261). The third conception of peace, is the view that peace consists of justice. Finally, and this is the view of peace that he clearly favours, Banks writes about peace as [ongoing] conflict management. In this conception, peace is

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81 For instance, Burton makes the statement: "Recognition, control and security are human needs in the sense that individuals require them; but no less do small and large groups. In these cases the display of these needs are described as independence struggles, 'nationalism' and 'freedom'. In this sense human needs are the navigation or reference points, not only for psychologists, but no less for sociologists, and students of politics and international politics" (1988:42). Sites (1990:13) also links individual and societal aspects together as follows: "Just as individuals attempt to control the physical world to gratify their biological needs, they attempt to control others, either alone or in coalition(s) to gratify needs related to the self." And later takes it further: "Coalitions attempt control to further their own interests (interpreted here as largely the gratification of needs), and this is true largely of individuals as well. If one accepts the former, one should also accept the latter." (Ibid., 15)

not so much a condition, as a process: "...a dynamic state of affairs in which the essential properties arise from how we do things, not what we do."(Ibid: 269). In this view, Banks argues that the point of departure must be on the "...needs and values of ordinary people. What they require of society for physical survival and self-fulfillment, what possessions they aspire to own, what activities they enjoy, what groups they belong to and which relationships they cherish. These things give people their identity; with them they will be able to live in some contentment, without them, they will be spoiling for a fight."(Ibid.: 269). In this fourth conception of peace, Banks captures Burton's notion of "provention" or ongoing, needs satisfying conflict management which we will deal with in Section 4.4.3 below.

Having rejected the power-based models of negotiation and international mediation, and in the absence of tried and trusted models of intervention into deep-rooted social conflict, Burton and his colleagues of the Centre for the Analysis of Conflict developed, over a number of decades the form of intervention that they called the problem-solving workshop. Two of Burton's colleagues, Christopher Mitchell and Michael Banks discuss the perspectives of the CAC, in the preface to their Handbook of Conflict Resolution as follows:"...its (CAC's) members were all social scientists but trained in different disciplines. We shared a conviction that prevailing views of conflict in international relations were inadequate, and within this general framework we attempted to promote three objectives. First we sought to improve our understanding of conflict, and in particular the politics of conflict. Second, we set out to develop contacts between academics and political decision-makers, so that our theories could reflect real world experience. And third, we hoped to create stronger ties between theory and practice, so that the ideas of social science could become relevant and usable" (1996: vii).

#### **4.4.3 Constitutional safeguards**

Burton has also explicitly written that proper resolution of conflict will include the provision of special constitutional or institutional arrangements, to represent the interests of minority groups in deep-rooted social conflicts (1990 c, 22-46, 1997: 38, 75). For instance he (Burton, 2001 a) writes that "It was

absurd to take punitive action against the Government of South Africa, when what was required is some innovative means by which a minority can maintain its autonomy within a wider political system without the unrepresentative implications of one-man-one-vote.” Elsewhere (1998), in the same vein, Burton has written that “The widely held concept of democracy is defined as government by the people through their elected representatives. It assumes many unstated conditions that have far-reaching behavioural implications, for example, relative ethnic homogeneity, classlessness and equality. Democracy of this order is a system that could possibly exist in a unified society. It has no prospect of achievement in a society that contains major income differences, and in which minorities are unrepresented but must observe the norms of a majority.” One would therefore expect to see aspects of special minority safeguards and representation in a conflict “resolved” according to the analytical conflict resolution school.

#### **4.4.4 Restored relationships**

Another important aspect, in the unpacking of the notion of resolution, is the extent to which resolution in a deep-rooted conflict could be said to accord with the idea of restored relationships, that the writers on reconciliation point to. And it seems that there is such a connection, explicit in the analytical conflict resolution school, especially in Burton’s notion of the need for valued relationships (1990: 47)<sup>82</sup>. The following statement gives us an indication of what a resolved conflict looks like for Burton: “We deduce that while the pursuit of human needs cannot be contained over the long term by external coercive sanctions, that while there are limits to socialization processes, the human need for valued relationships, and their preservation may be a controlling influence. In other words, while traditionally we have looked to social control as the means to social harmony, a more effective approach may

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82 Burton also makes this quite explicit elsewhere (1990:153) as follows: “But the theory of conflict, its prevention and resolution argues that included in human needs is a particular need for valued relationships. This acts as a self-restraining influence on human behavior. In the absence of valued relationships there are no self-imposed restraints. Where valued relationships are absent, it is not through their arbitrary rejection. They are constantly and persistently sought.”



be to provide those conditions that generate valued relationships, and therefore, self-imposed controls." (1990:153).

Burton's notion of valued relationships is a very important idea that has not enjoyed the same kind of attention as some of his other constructs, such as "conflict prevention" or the distinction between conflicts and disputes, for instance. It is in this notion, that the need for valued relationships emerges as the key need, which when satisfied, is capable of balancing other frustrated needs.

John Paul Lederach (1997: 24), another conflict resolution scholar, supports this argument in favour of restored relationships and stresses the need to move away from "...the traditional framework and activities that make up statist diplomacy." and proposes that a new approach should therefore "...address and engage the relational aspects of reconciliation as the central component of peacebuilding" (ibid: 24) <sup>83</sup>.

#### **4.4.5 Conflict Prevention:**

In Burton's later work, the needs approach explicitly calls for a new social order that takes human needs more seriously in the establishment of institutional relationships. It is applied far more broadly than the notion of conflict resolution; on the one hand, it is applied to the society/state relationship in all (even democratic) states, and on the other, it is also applied to international relations, and combined by Burton with his "world society" approach, where it forms the basis of the Conflict Resolution approach to "deep-rooted", or "protracted" social conflict (Burton, 1995, 1997). Here, the approach assumes the mantle of a political philosophy, based on universal

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<sup>83</sup> Lederach states that "First and foremost is the perhaps self-evident but oft-neglected notion that relationship is the basis of both the conflict and its long-term solution." He points to the fact that this was well articulated by Harold Saunders and Randa Slim, who presented relationships as the focal point for sustained dialogue within protracted conflict settings. He continues "Reconciliation is not pursued by seeking innovative ways to disengage or minimize the conflicting groups' affiliations, but instead is built on mechanisms that engage the sides of a conflict with each other as humans in relationship." And later he defends this perspective when he states that, in the natural sciences, increasingly relationships form the centre-piece for the understanding of systems.

use of problem-solving techniques, and conflict prevention; taking the resolution process further, and institutionalising it. Burton and his colleagues speak of going “beyond resolution”, and argue that “...the removal of causal conditions, and the positive promotion of environments conducive to collaborative relationships - extends the scope of our concerns beyond the narrow area of conflict resolution.” (Burton, 1990: 18).

Drawing on the work of system theorists, such as Anatol Rapoport, who asserted the necessity of the integration of second order learning<sup>84</sup> in social systems for transforming conflict to co-operation, Burton and Dukes (1990), propose the problem solving approach as the best means of overcoming societal blockages to second order learning, and underpinning their construct of prevention (Miall, Woodhouse and Ramsbotham, 2000: 48). It involves, according to Miall, et al, (2000:48) “...a proactive ability within societies to predict and avoid destructive conflict by the spread of the problem-solving method and philosophy throughout all relevant institutions and practices.” With prevention, the analytical conflict resolution approach has moved beyond discreet intervention episodes, to the institutionalization of intervention on a permanent basis. An important implication of this development is that though liberal democracy is a necessary condition for a resolved conflict, it is not in and of itself a sufficient condition.

In summary, then, and based on the exposition of the ideas of the analytical conflict resolution school presented above, successful conflict resolution would at least include the following:

- Firstly, there is a procedural element, in terms of which the conflict is resolved according to a certain, highly prescriptive process: the facilitated analytical problem-solving workshop.

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<sup>84</sup> Miall et al (2000: 48) discuss the development of Burton's thinking towards prevention, using the ideas of Rapoport and others. The roots of Burton's thinking in this area are also provided in Volume 3 of The Conflict Series, entitled “Readings in Management and Resolution”.

- Secondly, a resolved conflict would present evidence of restored relationships, and be characterized by the presence of Burton's notion of "valued relationships".
- Thirdly, a high level of identity, and related needs satisfaction, through maximization of autonomy and self-determination of groups would be evident.
- Fourthly, there would be a high degree of distributive justice characterized by increasing equality and decreasing poverty.
- Fifthly, ongoing analytical "provention" problem-solving processes, designed to bring about basic human needs satisfaction through the continual adjustment of social institutions to meet the needs of individuals and groups, would continue.
- Related to the above, but deserving special mention, Burton has indicated that special constitutional provisions should be provided for minority groups in deep-rooted conflict.
- A resolved conflict does not imply a future without any form of conflict

We next examine in greater detail the method of intervention into deep-rooted or protracted social conflict proposed by the analytical conflict resolution school.

#### **4.5 Analytical Conflict Resolution Intervention**

Because of its central place in the armoury of the conflict resolution school, we will give attention to the development and format of the problem-solving workshop below.

##### **4.5.1 An Historical Background to Analytical Problem-Solving Workshops**

For Burton the Australian diplomat, who had been at the forefront of the practical management of international conflict, it had become clear that the traditional methods of statecraft were not effective in resolving conflicts. After a number of disputes with international relations colleagues at the University of London, who operated in the realist, power politics framework, Burton took up the challenge

from these colleagues, of demonstrating that his new, pluralist approach to international politics was indeed valid. Burton used his diplomatic networks to arrange an intervention, in December 1965, into a conflict between Indonesia, Malaysia and Singapore, that was occupying the United Nation's attention at the time, but for which the principle of state sovereignty was frustrating a traditional form of intervention. With encouragement from then British Prime Minister, Harold Wilson, who had already unsuccessfully tried to mediate the conflict, Burton, eschewing the standard diplomatic stock in trade of mediation and conciliation, invited two nominees from each country to participate in a problem-solving session, along with a facilitating panel of social scientists.

Following the formula that was eventually to become known as the analytical problem solving workshop, the first session was deemed to have been instrumental to the re-establishment of diplomatic contact among the conflicting governments shortly after the return of their delegates. The parties expressed their satisfaction with the process, and engaged in five further, shorter meetings over the following six months (Fisher, 1997:23).

Although it is impossible to gauge the exact impact of the Malaysia/Indonesia workshops, the conflict researchers were "...ecstatic and enthusiastic about building on their success to further the development of their new-found methodology.", and established the Centre for the Analysis of Conflict (CAC) for this purpose (Fisher, 1997: 24). In October, 1966, the CAC group facilitated a meeting between the leaders of the two conflicting communities on Cyprus, held in London. Although not as spectacularly successful as the Indonesian/Malaysian intervention, nevertheless, according to Mitchell, (cited in Fisher 1997:26) "...some of the insights gained at the London meeting were communicated to the decision-making elites of the two communities and had significantly assisted in the resumption of mediation."

A number of similar initiatives were carried out in various conflict zones over the next few years. Among these, Leonard Doob famously intervened in a Kenya/Somali border conflict in the Fermeda workshop of 1969, with mixed results, using the T-group approach, and later, in 1972, in the Northern Ireland

conflict at Stirling University, Scotland, with some apparent positive effects, but which received intense criticism from some of Doob's own colleagues, due to poor communication and organization. Doob called his approach "human relations workshops".

Another well-known proponent of the technique is Herb Kelman, who participated in Burton's Cyprus intervention, and has also since organised numerous workshops on the Middle East conflict, with increasingly influential participants. Kelman, a social psychologist, is convinced that the satisfaction of basic human needs "...as articulated through identity groups is the ultimate criterion of a satisfactory resolution." (Fisher, 1997:62).

#### **4.5.2 An analytical conflict resolution critique of traditional intervention**

We have already mentioned that Burton and his colleagues rejected what they call the traditional approaches to intervention in deep-rooted social conflicts. It is important therefore that we briefly indicate the nature of these traditional approaches and the critiques that the analytical conflict resolution approach level at them. Historically such interventions have taken place among state actors, which function according to the international law tenets of sovereign equality and independence, and the principle of non-intervention in the internal affairs of such states. Implicit in all of this is the notion of total separation of the international and domestic domains. The main forms of conflict management in question are negotiation and mediation.

Negotiation is the technique of choice in political conflict, as the process that most parties use to settle their own conflicts. Negotiation may be defined as a voluntary communication process, intended to resolve conflicts among two or more parties through a process of give and take, or problem-solving (Bradshaw, 1999, Kremenyuk, 22). According to Pienaar and Spoelstra (1991: 3) "Negotiation is a process of interaction between parties directed at reaching some form of agreement that will hold and is based upon common interests..." Negotiation is a preferred option in traditional international relations because it reflects the interlocution of equals (independent sovereigns) solving their own differences. Invariably, however, negotiation involves some compromise (In

theory though, human needs cannot be compromised), and the nature of that compromise will invariably reflect the power balance between the parties concerned. Much negotiation leans towards the distributive end of the spectrum, which encourages exaggerated claims, use of power tactics and dishonesty, which all run counter to the norms of analytical conflict resolution<sup>85</sup>.

Mediation, on the other hand involves a third party assisting the negotiating parties in a conflict (Moore, 1986, Cheldelin, 2003). According to Crawley and Graham (2002: 3) "Mediation is a process by which an impartial third party assists people in a dispute to explore and understand their differences, and if possible, settle them" The process still involves the compromises necessary for negotiation, and additionally, as it is manifested in politics and international relations, involves the exercise of power by mediators typically representing powerful interests in world affairs. The history of US presidential interventions in the Middle Eastern conflict is a special illustrative case in point. More recently, South African President Mbeki has intervened in conflict in Ivory Coast. Being president of one of Africa's strongest states imbues Mbeki with great power, as a mediator. John Burton and his colleagues, stand highly critical of the use of mediation in deep-rooted social conflict, as they reject the way that power is exercised in this approach. Burton is particularly critical of standard mediation elements, such as caucusing, which he believes will undermine the trust in the process that is required to achieve a durable outcome. Another problematic element of mediation is the attempts that mediators will often make to empower weaker parties, in order to ensure that the parties are able to interact on an equal footing (Groom and Webb, 1987:264 – 267). Such action may undermine the ability of the third party to intervene successfully, as it might affect the trust which one of the parties has in the mediator (Groom and Webb: 1987: 273 – 275).

Not only do traditional methods not succeed in resolving deep-rooted conflicts, they are actually rendered protracted by these methods (Fisher, 1997: 31, 32). It

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85 Burton (1990: 16) writes that "...we are treating bargaining and negotiation as a separate field, our interest being problem-solving in cases in which there are needs to be satisfied without compromise, making bargaining and negotiation irrelevant."

is the view of Burton and his colleagues that negotiation and mediation deal mainly with surface interests, and fail to address underlying needs and values. Alluding to principled negotiation, Ronald Fisher (1997: 32) states that “Attempts to translate needs into interests simply to fit the method of intervention make the situation worse.”.

According to Bercovitch (1984:120), third party interventions can take one of two forms; either an instrumental intervention, or a process intervention. In the case of instrumental intervention, the third party focuses on achieving a specific outcome to a given dispute. The intervening party enjoys a large measure of power over the conflicting parties, and seeks an outcome that will meet its own interests in addition to some of the interests held by the parties. Analytical conflict resolution scholars see such an approach as leading to short-term settlements that focus only on the behavioural aspects of the conflict, and which require compromises on the part of the parties in conflict.

On the other hand, the proponents of the process approach, believe that a well-conceived process will lead to outcomes which are both legitimate and self-sustaining. According to Bercovitch (1984:121), the process approach is both inclusive and extensive. Inclusivity refers to the involvement of all of the parties relevant to the resolution of the conflict in the process of arriving at a mutually beneficial outcome. The extensiveness variable refers to addressing all the issues that characterise the specific conflict. Problem solving workshops tend towards the “process” end of the spectrum. Both inclusivity and extensiveness of the intervention are of vital importance for Burton<sup>86</sup>.

#### **4.5.3 Analytical Problem-Solving Workshops**

It was vital to the conflict resolution school to avoid a power-centric approach, because of all its perceived failures mentioned above. Therefore, negotiation, and mediated negotiation of human-needs based conflict were rejected outright

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86 For instance, in *Conflict Prevention as a Political System*, (2001) Burton writes that: “The total social-political-economic-legal system must be the frame in which an analysis is made of the source of the problem and its remedies.” See also Tidwell, (1998: “

163, )who writes “...Burton holds that problem-solving must focus on the entirety of human relationships.

as appropriate conflict intervention strategies<sup>87</sup>. The idea of workshops was not entirely new to conflict management, having been used in small group contexts and in industrial relations, but was an innovation when applied to deep-rooted social conflicts. Burton and his colleagues, Doob and his Yale colleagues, and Kelman and Cohen all began using the technique at much the same time. These workshops, although substantively similar, were not identical, and we will point to some of those areas where prominent practitioners depart from Burton's model. The workshops will be discussed in respect of their structure, facilitation and participants.

#### **4.5.3.1 Workshop structure**

Workshops last from the course of a weekend (Kelman and Cohen, Tessendorf and Bradshaw) to one to two weeks (Burton and Doob) (Tessendorf, H.R., 1993: 136). The first two days of a week-long workshop agenda were devoted to introductions, and the presentation of parties' perceptions of the conflict (Hill, 1982: 121). On the third day, the panel would present lectures on the nature of conflict and its processes in order to facilitate analysis. Panellists would also feed the participants' statements from the first part of the workshop back to them, in order to clarify their understandings (Fisher, 1972:70). The last two days of the workshop would focus on the discovery of a common frame of reference, allowing for the creation of perceptions of interdependence in the participants. This encouraged the surfacing of a problem-solving phase in which the parties investigated non-violent alternatives to their conflict behaviour (De Reuck, 1974: 76; Hill, 1982:121). The design of Doob's workshops included skills development elements and the T-Group process (Doob and Foltz, 1973: 496). Burton's workshops were generally preceded by a pre-workshop seminar of the facilitating panellists and interested academics to test propositions generated by the panel (Du Pisani: 1988:187). Burton is adamant that the venue for the workshops should be neutral; preferably in a third country; and in

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87 For Burton, Negotiation implicitly included making compromises on some of the issues in conflict. If these included needs based issues then clearly compromise would be impossible, given the inflexible nature of needs. Mediation, as an extension of negotiation was seen as equally problematic, if not more so, as mediators might manipulate parties, and encourage exactly the sort of compromises that would most unlikely prove durable, and lead to breakdowns of agreements.



a pleasant setting, thereby allowing participants to think laterally, unencumbered by day to day events of the conflict at home. He strongly opposes the use of strategies such as caucus, or any other that might give the parties reason to suspect the impartiality of the facilitators. Also, there should be no observers outside of the panel, and publicity, if at all necessary, should be kept to a minimum. The process is essentially a confidential one, so that no outside pressures may be brought to bear on the parties (Burton, 1987: 50 – 55, Tidwell, 1998: 162). Everything possible is done to avoid the power framework that characterizes most conflict management. Parties are in a face to face, but non-bargaining situation. Facilitation only assists the communication and analytical processes taking place (Burton: 1987). Generally the workshop process is kept quite informal, though parties are not allowed to meet outside of the facilitated sessions. In order to keep the process from re-entering a “power” framework Burton is at pains to stress the importance of exactly following his rules for problem-solving. His *Resolving Deep-Rooted Conflict* (1987) prescribes no fewer than fifty-six different rules to govern the process.

#### **4.5.3.2 Workshop facilitation**

Their explicit rejection of the power framework also meant that high-profile mediators, representing authority (whether the authority of government, or the authority of a regional, or superpower) would not be regarded as acceptable intervention for the analytical conflict resolution school. In terms of intervention, the workshop model which Burton proposes, therefore calls for low-profile individuals not representing any powerful interest. Burton states that the process is essentially "...a costing process. It enables the parties to a conflict to perceive more accurately the issues that are usually hidden in a power bargaining situation" (Burton, 1997:122)<sup>88</sup>.

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<sup>88</sup> Burton later states that "This costing element eliminates the power factor in the conflict resolution process. Parties, powerful and relatively weak, are able to reassess their policies in the light of new information"(1997:123).

According to Burton and his colleagues, the best approach to dealing with deep-rooted social conflict, would be one that helped the parties to analyse their conflict. In the words of Fisher (1997: 33) "The role of the third party in problem-solving conflict resolution is to place the parties in direct analytical dialogue, to facilitate the clarification of interests, values, needs, goals, and tactics, and to help deduce possible outcomes on the basis of this analysis."

What was necessary was to have the conflict analysis sessions facilitated, in a non-power-centric framework, by social science scholars who best fit all the requirements, so that goals and tactics, interests, values and needs, could be clarified. Later, the facilitators would help deduce possible outcomes on the basis of the analysis made. The idea of the scholar practitioner in conflict resolution was given a place in the literature.<sup>89</sup> The facilitators should be drawn from several key disciplines, be knowledgeable in theories of conflict, and have experience in facilitation processes. It is important that the facilitators have balanced viewpoints, including those of gender, class and ethnicity (Burton, 1987: 43, 44). Quite controversially, Burton is also firm on the fact that the panel "...should not include persons who have made a speciality of the particular dispute being analysed..." (ibid. 44, Fisher, 1997: 33 - 35). Too great a familiarity with the specific conflict would, in Burton's view, in all probability introduce an element of bias, or cause suspicion in the parties, who should remain free to arrive at their own analytical insights.

Mitchell (2003:250 – 251) lists the following important aspects of the facilitator's role:

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89 According to Burton (1984:148), "the third party in a resolution process is not an individual experienced in diplomacy or a professional lawyer, but must be a group of professionally qualified and experienced facilitators. But even this is not sufficient. Such a group needs to be in touch with a community of political and social scientists of all kinds to ensure that they can make available to the parties all relevant information.", and later, on the same subject, he mentions that "It is preferable that those who comprise the facilitating party do not have a specialised knowledge of the area or of the parties involved in the dispute... a regional specialist is likely to have his own preconceived ideas about the dispute." And, "Second, facilitators need to have the capacity to identify with all parties on a non-judgemental basis, regardless of the apparent 'morality' and values of the parties" (148,149) These issues are also dealt with in Burton (1987b: 41 - 47)

- Facilitators should provide a role model for behaviour that is non-judgemental, analytical, and questioning but supportive.
- The facilitating panel provides a sympathetic audience for participants who invariably find it necessary to “vent” feelings about the wrongs committed by the other side during the course of the conflict, without allowing themselves to be put in position of a judge. They should also be able to assume the position of an outside innocent; enabling them to ask pertinent questions of the participants, forcing them to into deeper analysis of their conflicts.
- By introducing analytical concepts into the communication process, the facilitators should provide neutral, non-accusatory and non-offensive language in which the participants can discuss the conflict.
- Facilitators should also provide novel analytical insights, relevant theoretical explanations, and new ideas about the development of specific conflicts, as well as possible future options. This role would be enhanced by facilitators having a wide knowledge of a range of conflict situations, and an ability to convince participants that such insights are.
- Finally, the facilitator plays the role of “reality checker” towards the end of the process, reminding participants of the importance of checking the acceptability of the options they generate to the leadership of the parties they represent, or there will be very little possibility of transference of their new insights.

#### **4.5.3.3 Workshop participants**

Where the workshop participants were concerned, Burton and his colleagues sought representatives of conflicting parties, that were not directly, or formally linked to political leadership. Individuals who are in leadership positions are not prepared, and indeed, generally not permitted, to operate in a non-power framework. Fisher (1997: 89) lists the advantages of “influential nondecision makers” as follows: “They can more likely break away from the bargaining mode, including previous positions, and do not risk any political capital by interacting with the enemy. In practical terms, nondecision makers generally have more flexible schedules, can avoid publicity, and can have their participation officially

disavowed in case of failure. Although the ideal participants have connections with decision makers, others who do not, such as scholars, journalists, and intellectuals, can be useful participants, for they have influence through writing and commentary on both decision making and public opinion.” The conflict resolution school therefore invites as participants, influential actors that are more loosely associated with the party leadership. It is easier for them to participate, as they have less formal responsibility to political constituencies. It is intended that this "second track"<sup>90</sup> process should carry-over learning to the first, or diplomatic track, formal political actors and thereby impact indirectly on the conflict situation<sup>91</sup>.

Kelman (1990: 287) accurately reflects Burton's process when he writes that “We look for participants who are as close as possible to the centre of the political spectrum, while at the same time being interested in negotiations and open to the workshop process. As a result, workshop participants so far have tended to be on the dovish (‘moderate’ or pro-negotiation) side of the centre.” This is somewhat in tension with the goal that the participants should represent as wide a range of views within their parties as possible (Burton, 1987, Bercovitch 1984:30). Clearly dovish participants only form one section of the parties in conflict. De Reuck (1974: 66) departs from the norm of analytical conflict resolution when he suggests that participants should actually be the decision-makers themselves.

Despite their general rejection of the traditional methods of conflict management, the problem-solving workshop is not viewed by its proponents as

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90 Fisher (1997: 9) describes second track diplomacy as follows: "Track Two diplomacy denotes various informal, unofficial forms of interaction between members of adversary parties that attempt to influence public opinion, develop strategies, or organize resources toward the resolution of the conflict." According to Lumsden and Wolfe (1996:41) "The Track II approach permits the parties to make contact before they are ready to formally accept each other's legitimacy. This step is a fundamental one if any progress is to be achieved in conflict resolution."

91 This carrying over process is generally referred to as "transfer effect" in the literature.

a simple alternative to negotiation and mediation processes<sup>92</sup>. Rather it is seen as a prelude to negotiation; a procedure for dealing with the deep-rooted aspects of protracted conflict, which would ultimately prepare the way for more traditional methods that would then deal with the interest-based aspects of the conflict.

In summary, problem solving workshops are different from more conventional approaches on a number of counts. Tidwell (1998:162, 163) lists four such characteristics raised by Burton:

- The problem solving workshop is not driven by the aim of obtaining a terminal solution, but rather its object is to bring about a new set of relationships between the parties.
- Problem solving often requires new syntheses of knowledge, and changes in the way that problems are conceptualised. Creative solutions may be obtained through challenging explanations of behaviour.
- According to Burton, problem-solving should focus on the totality of human relationships. The conflict cannot be separated from its social setting.
- Problem-solving should go to the “sources and origins” of the conflict, if it is to prove effective.

Burton has provided, in tabular form, a summary comparison of the assumptions of traditional conflict management, and those of the resolution approach, which we reproduce below.

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<sup>92</sup> Indeed, Chris Mitchell (1973: 124) has written “...controlled communication is a preliminary to direct, two-party negotiations, and not a substitute for them.”

**Table: 4.1 Assumptions of the traditional approach and problem solving workshops compared**

### Traditional Approach

- Mediation is an art: there are 'born' mediators who cannot pass on their techniques; success is measured by the reputation of the mediator & not by his performance, for this is determined by the complexity of the situation
- The personality of the mediator is the important consideration.
- The mediator requires power support from an international institution, powerful states or financial institutions.
- It is part of the role of the mediator to suggest solutions
- The mediator's genius is in suggesting reasonable & workable compromises.
- The interest of greater powers and world society as a whole must sometimes be placed before the interests of the parties.
- Relations between states are relations between authorities within them & mediation must be between authorities involved in conflict.
- International conflict is separate from domestic conflict

### Problem-solving Workshop

- Mediation is a learned technique and performance is measured by success and failure
- Temperament is relevant to all occupations, but the presence or absence of learned techniques is the important consideration
- There is a difference between enforced settlement & resolution of conflict. The latter is accomplished without support except respect for the professional knowledge & status of the mediator; authority is derived from the parties, not from external institutions.
- Only the parties can arrive at solutions. The mediator should never prejudice his position by suggesting them.
- No party should be asked to accept a compromise & the mediation exercise is to arrive at alternative goals or means that do not require compromises.
- The relations of the parties most directly concerned take precedence and are then subjected to the resolution of any conflict they have with interests at other levels.
- World society is not comprised of states as separate entities, but of transactions of all kinds that cut across state boundaries; mediation must be at different levels involving & different issues, sometimes parties within parties & not only legal authorities.
- International conflict is usually a spill-over from domestic conflict where parties seek foreign assistance. Mediation must involve domestic consideration of ethnic & other groups – not be

- Parties "should" accept processes of arbitration and mediation.
- Some decision makers behave 'irrationally'.
- No fixed procedures are possible
- The mediator should be one person
- confined to international conflict.
- No party can be expected to submit to processes which place it in a position of having to accept a consensus view.
- Parties respond in the ways that appear most beneficial to them in the light of knowledge they have of others' motivations and available options
- A disciplined adherence to rules of procedure is desirable once they have been tested.
- The mediator needs to be a panel of specialists in the field of conflict.

Adapted from Burton (1972: 6-9).

#### 4.6 Critiques of Conflict Resolution

The conflict resolution approach is as yet an unfinished project. It is of comparatively recent vintage, and in a state of continual development<sup>93</sup>. It is also not a unified theory; it represents an intellectual stream, with many internal tributaries<sup>94</sup>. As with any theory of social behaviour, the analytical conflict resolution approach has attracted some criticism - some of it from within its own

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93 See for instance figure on the development of Burton's work, P

94 There are a number of variants in the conflict resolution school. At the center of the school, are those, following John Burton, who have developed their ideas around the Human needs concept, focusing on deep-rooted social conflict, and who seek more durable "resolution", above mere short-term "settlement". With the passage of time, this particular project has become more developed, moving towards and increasingly mooting the idea of conflict transformation. These are the scholars that we mean by the term "Analytical Conflict Resolution School". Additionally, however, negotiation scholarship is sometimes included under the general rubric of "conflict resolution", as is the literature on international peacekeeping, peacebuilding, or peacemaking, although it does not display the central concern of conflict resolution with the futility of working within power frameworks, and the attempts to separate domestic from international conflict domains. See for instance Mitchell (2002), where he states that the term conflict transformation was coined because of the inaccurate usage of conflict resolution. There are also a number of variations on the theme of problem-solving workshops. These have been discussed and compared most notably by scholars such as Ronald Fisher (1989,1997) and Barbara Hill(1982). Terms applied to these include problem solving workshops (Burton, Kelman, Azar, Lederach), problem solving forums (Azar), Interactive problem solving (Kelman) Human Relations Workshops (Doob) Intercommunal Dialogue (Saunders). Most of these interventions are very similar, and are collectively termed "Interactive Conflict Resolution" by Fisher (1997).

ranks. This criticism takes certain forms. Much of it is directed at certain tributaries of the stream of Western conflict management only, which are not necessarily representative of analytical conflict resolution itself. Some criticism is fundamental, concerning the very appropriateness of the notion of conflict resolution itself, some has to do with a perceived Western cultural bias of the field, some is spurious, targeting for instance aspects of negotiation (which is explicitly not conflict resolution, and is rejected outright by the analytical conflict resolution approach). We will deal with some of the most important issues below.

The most prominent critique of the conflict resolution school has come in the mid-Nineties. Criticism has been aimed at a number of levels. Essentially some of the criticism has been aimed at the very fundamentals of the field itself. The question is sometimes asked whether there should even be an attempt at resolving conflict? Conflicts might be better left to run their courses. Conflict plays a useful role in society, and interference with conflict can sometimes therefore do more harm than good. According to this view, propounded, among others by anthropologists working in the conflict resolution field, such as Kevin Avruch and Paul Salem, conflict resolution is the product of Western liberals, who view conflict and the pain that it brings, as a negative phenomenon, to be eliminated. This, they say is the result of the Christian tradition, and Western philosophical streams of thought such as utilitarianism, the psychological tradition, post-modernism, etc. Conflict resolution also reflects a certain relationship to power. It has been said that empires typically use force, and violent conflict behaviour to establish themselves, but that once established, empires generally disapprove of conflict - they then seek to resolve it, as peace is important to those benefiting from the status quo. However, struggle, or as Salem puts it, "battling", may be much more acceptable to those suffering under an oppressive status quo (Salem, 1993: 361 – 366)<sup>95</sup>.

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95 In fairness, Salem is criticizing the whole conflict management field, though he (incorrectly) labels it "conflict resolution". Nowhere is Burton or basic human needs actually singled out.



Conflict Resolution, in this sense is therefore not necessarily acceptable to non-Westerners, who are generally in the underdog position. To these critics, therefore, conflict resolution may be the tool of the dominant, used to maintain situations of injustice.

At the opposite end of the ideological spectrum, since the analytical conflict resolution approach has always sought to avoid the use of force in the termination of conflict, it has also come in for criticism from the conservative, political realist position, which sees coercion as the "... ultimate currency in the power struggle between antagonistic and irreconcilable groups which make up international politics." (Miall, Ramsbotham and Woodhouse, 1999: 221). Somewhat ironically, many in this tradition also believe that conflicts should simply be allowed to follow their course.

Related to the above, fundamental issue of whether any interventions into conflict are appropriate, are other problems, relating more generally to the acceptability of Western conflict resolution to other cultures. Whereas the conflict resolution movement is largely informed by theories of individual behaviour, many anthropologists assert that conflict is a cultural phenomenon.<sup>96</sup> According to them, there can be no proper theory of conflict and its resolution that does not take culture into account.<sup>97</sup> In summary, then, this critique asserts that methods of conflict resolution therefore also have a cultural bias that, although presented as a universal panacea, is often not acceptable to non-Westerners.

In his critique of conflict resolution, Avruch (1991: 5), quoting Kochman on some of the requirements for negotiation, writes as follows: "The requirement to

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96 It is interesting to note that since his earliest forays into the conflict resolution field, and even before his articulation of the basic human needs theory of conflict, Burton has come under fire from those, such as Nader (1972: 55) who believe that "...he has not adequately considered culture as a variable to be considered..."

97 Both Burton and Azar (1990: 9) are, however, quite specific about the important role that culture plays in both conflict and the management of conflict.

behave calmly, rationally, unemotionally, and logically when negotiating is looked upon by blacks as a *political requirement* - and to accede to it in advance is considered a *political defeat*".

An immediate response to this particular criticism, here, is that the focus of this critique is on negotiation, which for a "Conflict Resolutionist" such as John Burton, is not even deemed a part of conflict resolution proper. Burton, for instance rejects negotiation, for reasons very similar to those of Avruch and the others mentioned above (1987b: 41). It is too bound up in the power-relationships of the very conflicts that it is trying to resolve. This particular critique is therefore indicative of a lack of proper knowledge concerning the essentials of conflict resolution and is therefore not fair criticism in the view of this author.

There is also a strand of criticism that originates from the international relations arena, exemplified by Cot (1972), and Yalem (1971), that reflects the lack of common ground between standard international relations and the conflict resolution school. Both authors stress the fact that Burton's approach assumes the subjective nature of conflict, ignoring the very possibility of objective conflict. To a large extent, this was valid critique, and true of Burton's early work, before he introduced the human needs element into his approach, and he has admitted as much<sup>98</sup> (Burton, 1996). The introduction of human needs frustration to the core of the Burtonian approach makes it very clear that deep-rooted conflict is about much more than simple misunderstanding, however.

At the opposite end of the value spectrum, sociologist and conflict resolution specialist Vivienne Jabri views violent conflict as a "... social product and militarism as a deeply embedded continuity reinforced through dominant discursive and institutional frameworks" (quoted by Miall, et al, 1999: 58). The problem for Jabri, and others such as Hoffman, and Fetherston, as presented

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<sup>98</sup> For instance, Burton has written (2006) that only in writing *Deviance, Terrorism and War*, in 1979 "... that I seem to have broken away finally from power as an explanatory frame, even from misperceptions as an adequate explanation of conflict.

by Miall et al., (1999: 59), is that conflict resolution, by reproducing the hegemonic discourses which "...seek to subsume subjectivity and its multiple forms of representation into a single entity involved in a confrontational interaction." may "...merely reproduce the exclusionist, violent discourses and practices which perpetuate it". According to this school of thought, following the critical theory tradition, existing discourses need to be replaced by anti-hegemonic, counter-hegemonic and post-hegemonic peacebuilding projects (following the ideas of Habermas, Gramsci and Foucault). Following Habermas' idea of "communicative action", the solution lies in a "discourse of peace" in what she calls an "emancipatory politics" of dominance free politics and difference (Miall, et. al., 1999: 59).

Yet this criticism is also largely unfounded. The very basis of conflict resolution as propounded by Burton, and supported by many others, is that it should be based on the satisfaction of basic human needs, which should take precedence over the satisfaction of institutional needs. This implies a definite favouring of changes to existing dysfunctional institutional arrangements, which the critique of Jabri and her colleagues does not seem to recognize. A closer examination of that critique also sees it focused more on the peace-keeping tradition, which is indeed embedded in the existing, realist-dominated, state-centric and even militaristic analyses of international relations scholarship and practice, that Burton explicitly rejects.

As has already been mentioned, the analytical conflict resolution approach is work in progress. It is continually evolving. An examination of Burton's corpus of writing will show that it begins with an assumption that conflict is largely subjective, and therefore susceptible to "controlled communication". It later takes on its human needs behavioural theory, and postulates analytical problem-solving as its intervention of choice. Still later, Burton (1995, 1996, 1997, 2001) makes explicit the need for prevention, the institutionalization of a philosophy of needs-based conflict resolution, if even democratic states are to successfully overcome the problems that they face. Sandole, (1993, 1998, 1999, 2001) has incorporated Burton's thinking in his theory-building attempts, to capture the complexity of conflict.

The primary proponents of analytical conflict resolution have responded to criticism by explaining their understanding of culture. Contrary to its being an example of Western chauvinism, insensitive to cultural difference, Burton's colleagues explain that their approach runs counter to traditional Western methods of conflict management (Sandole, 1998,1999, 2001, Mitchell, 2002, Rubenstein, 2001). Burton himself has addressed the issue, stating that parties to conflict resolution interventions will be invited to enter a new cultural context, or "transcultural island"; that of the problem solving workshop (Fisher, 1997:262).

The later conflict resolution scholars have also taken up the challenges of dealing with oppressive structural contexts and taking cultural difference more seriously. They tend to speak more of conflict transformation, than resolution, reflecting the fundamental importance of addressing inequality and changing relationships and the structural basis of conflict. Mitchell addresses the perceived divergence between the transformation and resolution strands, by putting to rest the notion that "conflict resolution" proposes a final ending of particular conflicts. He also correctly asserts that the notion of "conflict transformation" has emerged to some extent due to the "corruption" of the notion of "resolution", because of the tendency to use "resolution" in ways that would previously have been more properly termed "management" or "settlement" (2002:1). For Sandole (1998:14) Burton's notion of prevention is conceptually consistent with the conflict transformation approach. Scholars such as John-Paul Lederach<sup>99</sup> have also explicitly stressed the need for what he calls "elicitive" processes, that draw out the culturally relevant skills and insights in the affected parties. Mitchell concludes his discussion on the distinction, if any, between transformation and resolution by stating: "I would hope that it [conflict resolution] would occupy its old position on the side of

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99 See for instance, Lederach, J-P. , 1997, *Building Peace: Sustainable Conflict Resolution in Divided Societies*, Washington DC, United States Institute of Peace Press.

major political and socio-economic changes when these are clearly necessary.”(2002:16).

The growth of the approach, and the evolution of the thinking behind it can be illustrated through the development of John Burton’s work over four decades in tabular form, in table 4.2 below.

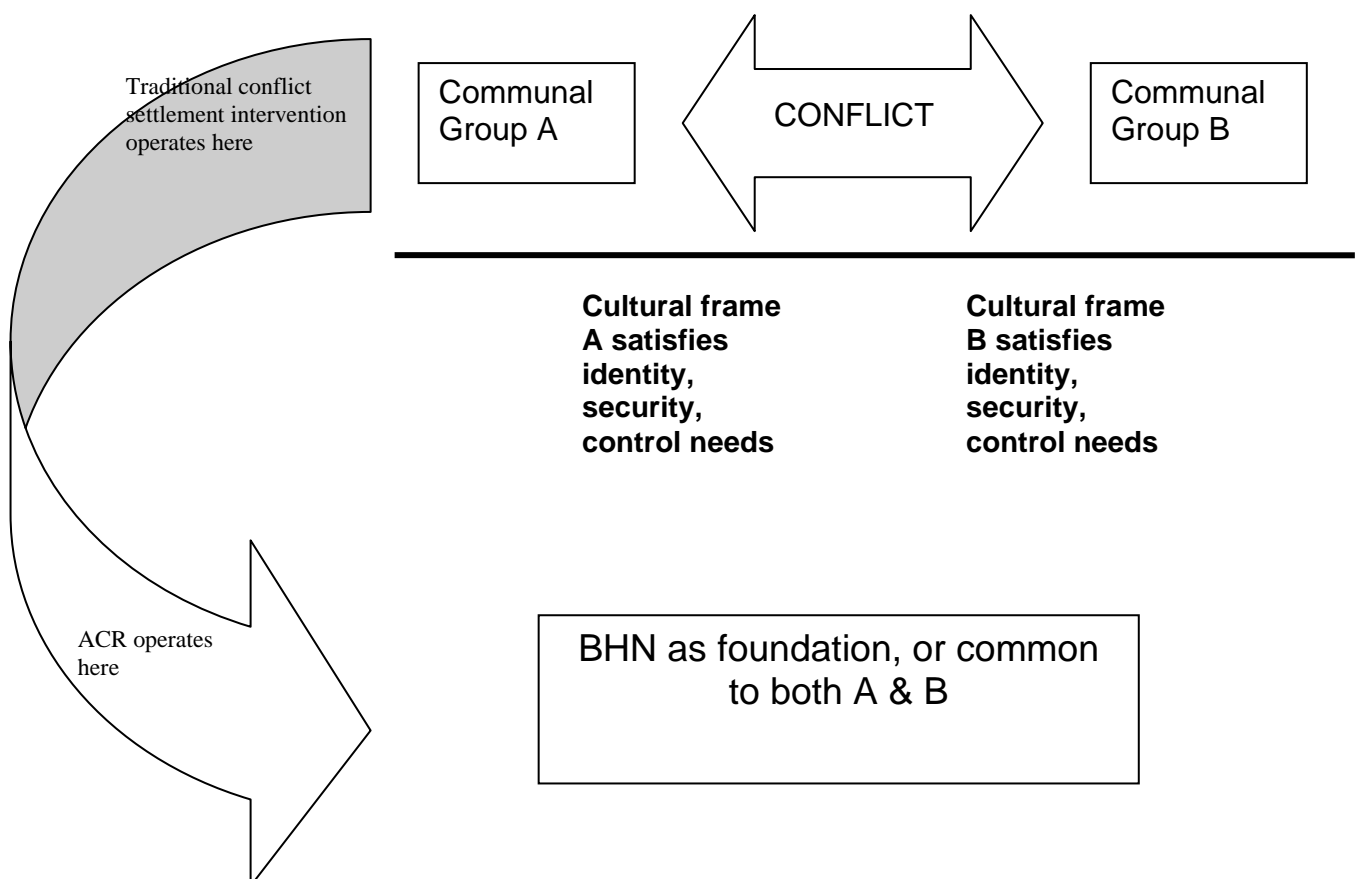
**Table 4.2: The development of Burton’s conflict resolution ideas**

<b>Year</b>	<b>Field</b>	<b>Representative Work</b>	<b>Assumption</b>	<b>Management Techniques</b>
1965	International Relations	International Relations: A General Theory	Power works	Conventional diplomacy & Warfare
1969	International Relations/ Conflict Management	Conflict and Communication	Conflict is the result of misperception	Controlled Communication
1972	International Relations	World Society	States & Power are too narrow a basis for understanding IR Conflict	Rejecting the “realist” assumptions of international relations
1990	Conflict Resolution	Conflict: Human Needs Theory	Conflict is the result of frustrated human needs	Analytical Problem-solving workshops
1997	Conflict Resolution	Violence Explained	Conflict is the result of inappropriate management assumptions	“Provention” – institutionalisation & integration of human needs thinking

#### **4.6.1 A rejoinder to the "culture" critique of the conflict resolution school**

Given the importance and long-standing nature of the critique of the analytical conflict resolution approach presented by the anthropological school, it behoves us to address this issue separately here.

Note that the cultural relativists criticize Burton because of his omissions in respect of the role of culture in conflict. It is true that Burton does not say much about culture, but there is, implicit in his theoretical perspective, a good reason for this. Burton recognizes that in the international realm, where he developed basic human needs theory, conflicts are generally between parties representing different cultures, or value systems, who, because of the near impossibility of settling these value and cultural differences, need a common perspective; one that delves beneath the cultural differences, searching for the common well-springs of culture, that will therefore allow a true co-structuring of new realities to take place. In his own words, Burton (1990 b: 211, 212) puts it as follows: "Culture, either as a satisfier or as a means of dealing with conflicts, should not influence the problem-solving process, a process that must be capable of cutting across cultures." In this quest, Burton postulates human needs, common to all human beings as the "source" of culture. In the language of post-modern, structurationism, Burton is using the construct of human needs as a standpoint to mediate between two or more subjective realities. This approach is diagrammatically portrayed in figure 4.2 below:



## **Fig 4.2 Diagrammatic Depiction of Burton's facilitative approach**

### **4.7 Summary and Conclusions:**

Burton and the Human needs school provide a mid-range theory applicable to societal and certain group-based conflict (Sandole, 1999: 109 -133). It is internally consistent, and explains the social conflict and conflict behaviour of its chosen domain very eloquently and powerfully. Without explicitly engaging with the founding fathers of the social sciences' perspectives on conflict, it nevertheless draws on the insights of scholars such as Simmel, Dahrendorf, Freud, Dollard and Doob, Coser and Maslow.

The approach has several shortcomings , including the following:

Because of its radical critique of conventional theories of politics and international politics, this approach does not fully engage with current debate on social theory<sup>100</sup>.

The approach exaggerates its rejection of power in the understanding of conflict, in favour of the empowering function of human needs. This perspective is ultimately a rejection of the power-politics (political realism) school's approach to international relations conflict, with all its inherent limitations. In this regard, it is possibly an over-reaction, and seems to somewhat undervalue the role of power. Indeed, the point has been made by some of the needs theorists, that parties will seek power, in order to satisfy their needs. This is after all the very basis of Sites' work on control theory (Sites, 1990: 7 - 33).

There is in Burton's work, and that of some of his colleagues, a general inability, or unwillingness to speak the language of post-modernist scholarship, and these scholars have therefore not adequately defended

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100 According to Burton (1984 x,xi) "...the contemporary scholarly literature has not been found useful, except as a chopping block from time to time. Previous books have dealt with this literature. The study is concerned with an emerging empirical and philosophical paradigm shift. Its validity is in its predictive capacity, its relevance to experience in contemporary world society and its internal logic."

themselves, nor engaged sufficiently with some of their critics, even where the criticism has been spurious or faulty.

The analytical conflict resolution/human needs school is often overly critical of negotiations and mediation, not recognizing that these forms of intervention have, in the best examples of their practice, already reacted to many of these and other criticisms, to reform themselves to some degree. Much of the literature on mediation is for instance quite self conscious of the traps of inappropriate use of power, and warns its practitioners to avoid these. Additionally, as integrative negotiation has evolved, it has also downplayed the need to compromise to find an agreement.

As articulated in Burton's own language, this approach sometimes makes exaggerated claims concerning its ability to prevent conflict. In this regard, for instance, his use of the term "provention" though he has been at pains to explain it<sup>101</sup>, still conjures up images of conflict avoidance and prevention – elements of the “settlement” approach that he seeks to avoid.

The approach also undervalues (though it does not ignore) the importance of objective conflicts of interest in the social conflicts that it examines. The aspect of the relationship between objective and subjective elements of conflicts, as discussed by Mitchell (1973: 128) therefore needs further clarification and elaboration.

Finally, and perhaps most importantly, the theory would be greatly improved by a further elaboration of the linkages between basic human needs and their “real world” satisfiers. There is a need to establish some

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101 Burton explains "Provention" as follows: "The term provention has been introduced to signify taking steps to remove sources of conflict, and more positively to promote conditions in which collaborative and valued relationships control behaviours." (1990:v)



consensus around what the indicators of needs satisfactions would be, so that these could be measured, and resolution properly evaluated. Working towards consensus around the number and priority of human needs would also take the approach further. For instance, though Burton includes references to identity needs in almost all of his works since the mid eighties, identity needs are not mentioned in his original nine human needs discussed under 4.3.1.1 above.

Its shortcomings notwithstanding, this theoretical perspective offers profound insights into the origins of a form of conflict that has become almost endemic in certain parts of the world, and a coherent theory of practice in respect of its management. Even Joseph Scimecca, a critic of Burton's maintains "...nevertheless, I still believe that this human needs theory represents the most sophisticated and fully developed theory of conflict resolution available..." (1990:207). As such it deserves further research in respect of both its foundational underpinnings (basic human needs), and its theory of practice (problem solving workshops). It is anticipated that this thesis, by reflecting on the South African conflict management processes, through a conflict resolution framework will contribute in a small way towards its further elaboration.

## **CHAPTER FIVE: HISTORICAL CONTEXT OF THE SOUTH AFRICAN SETTLEMENT**

Until the beginning of the transition period, marked by the lifting of bans on the African National Congress (ANC) and other political movements in February 1990, conflict in South Africa was probably easier to simplify than anywhere else. The central theme of conflict in South Africa has been white minority rule, with all the exclusions and deprivations it has directly and indirectly created for the black majority.

(Johnston, 200: 46)

Apartheid is one of the last moral issues to be regarded as simple in a world otherwise determined to find complexity. Yet apartheid is complicated and will not be understood unless this is realized.

(Brewer, 1986: 407).

### **5.1 Introduction**

Social conflict in South Africa is one of the most extensively-quoted examples of class-conflict, of racial conflict, and of various species of ethnic conflicts in the political and political-sociology literature, and a well- developed debate has taken place in recent years between those scholars who have adopted Marxist perspectives and those who have used liberal analytical frameworks<sup>102</sup>. The former have emphasised the impact of economic forces and class relationships, while the latter have emphasised the political goals of the various racial components in the country. Typically, however the conflict literature will refer briefly to South Africa as an example of one or other aspect of social conflict, while extensive conflict analyses of South Africa as a case study are much rarer in this literature.

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<sup>102</sup> See for instance du Toit, 2001, chapter 1 for a discussion of the major approaches

The aim of this chapter is to provide an overview of the South African conflict, and analyse it in terms of Azar's model of protracted social conflict, and to demonstrate how it is in accordance with the main principles of that model. It is also our aim to indicate how the previously - mentioned facets of conflict do, in fact coincide to produce highly intractable conflict in this country.

It goes without saying, that for any analyst to come to grips with complex social conflict, it must be necessary to understand its historical origin, and so we will begin with an extremely brief historical background to the dominant social conflict in South Africa. It is our intention to draw the reader's attention to only the most important aspects of that history, pertaining to our understanding of the conflict. An analysis, or mapping of the conflict at the negotiation process, including a breakdown of parties, their interests and the dynamics of the conflict will also be presented.

## **5.2 History**

The history of South Africa is largely the history of clashes among the different social formations that constitute this country. Initially, clashes took place between the early European settlers and the aboriginal inhabitants; the Khoi and San peoples. Later, violent conflict took place among the different settler groups, as well as between the settlers and the Xhosa people living on the Eastern frontier of the Cape Colony.

Conflict between the earlier Dutch settlers and their subsequent English conquerors, finally led to the Great Trek migration of the former into the interior of the territory, where further conquests of indigenous Bantu peoples took place, in what was to become the province of Natal and the Boer republics of Transvaal and the Orange Free State <sup>103</sup>. Perhaps less well-known, but at least as important as these conflicts, was the Difaqane, or Mfecane, a period of intense and violent conflict among the African tribal

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<sup>103</sup> See Davenport,(1977: 97 – 119)for an account of the settlement and the struggle between the races for land.

entities of South Africa, largely as a result of the consolidation and expansionism of the Zulu nation in the period 1815 -1830, which established many of the tribal settlement patterns in the country <sup>104</sup>.

After the discovery of gold and diamonds towards the end of the nineteenth century in South Africa, warfare broke out once more between the Boers and the English peoples. After the victory of the British and the consolidation of the four territories into a single geographical entity, the inter-group conflicts persisted. The constitution of the Union of South Africa laid the foundations for continued conflict between the indigenous South Africans and the more recent European arrivals, by maintaining the largely disenfranchised condition of the former. The process of disempowerment of black South Africans by whites continued, particularly through the agency of a plethora of discriminatory legislation, including the 1913 Land Act, 1923 Urban Areas Act which confined black South Africans to segregated townships, the 1927 Immorality Act which forbade extra-marital sex between Africans and whites, and the 1936 Native Trust and Land Bill, among others<sup>105</sup>. The response of Black South Africans to the politics of exclusion was the formation of the African National Congress in 1912, with its largely gradualist and non-violent protest actions, aiming to persuade the Christian conscience of the white establishment of the error of their bigoted ways, and urging them to reincorporate the excluded groups into the mainstream of South African society (Pampallis,1991: 67, 68, Lodge, 1987: 2-30, Thompson and Prior, 1982: 184 – 185, Stadler, 1987: 150).

The more dramatic manifestations of conflict during this era undoubtedly took place among the different factions of European South Africans. Unresolved resentment at the continued domination of Britain periodically spilled over into violent conflict; for instance in the 1914 Rebellion and again later over South

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104 See Davenport, (1977: 10 – 17) for an account of the Difaqane.

105 See for instance Merle Lipton's (1985) account of the foundations of Apartheid, pp. 17 – 20.

Africa's participation in the Second World War. Class conflict within the dominant white group also manifested itself in the 1922 Revolt on the mines of the Witwatersrand (Stadler, 1987). It should be noted, however that the Rand Revolt was not simply an instance of class conflict. It also contained an important strand of republicanism, resisting the perceived domination by English interests of the Smuts government (Davenport, 1977 :192 – 198). All other instances of conflict aside, we can agree with Schlemmer (1978: 161), when he writes that “The fundamental conflict relates, of course to the issue of political rights for black people, all of whom are currently excluded from the parliamentary franchise.”

The non-violent black protests against their exclusion from the political system continued all the while, and gained momentum after the Second World War, first with the ‘Programme of Action’ and then with the Defiance Campaigns of the African National congress and the Pan Africanist Congress, during which large-scale civil disobedience took place (Stadler, 1987:150 -151, Lodge, 1987: 42 - 45). Factors encouraging this development were undoubtedly the boost given to the ideas, as expressed in the Atlantic Charter, of human rights and liberal democracy by the victory of the Allied powers over the racist-oriented and fascist Axis powers, as well as shifting economic conditions in South Africa, and the rise to prominence of new, younger leaders within the ANC<sup>106</sup> (Lodge, 1987: 22-28) Additionally, many African South Africans fought for their country in the Second World War, which was a war against the forces of racism and authoritarian rule (Johnson, 2005: 133). The contradictions were becoming increasingly apparent, and expectations were heightened.

The other signal event which intensified the struggle for inclusion by black South Africans was undoubtedly the 1948 victory at the polls of the National Party, which had, as an important component of its policy platform, the extension of racial separation in South Africa, and the ending of what limited

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106 For instance, Oliver Tambo, Nelson Mandela and Walter Sisulu all came through the ANC Youth League at this time.

civil rights existed for the majority of the South African population<sup>107</sup>. Racist politics was, for instance, entrenched after 1948 by the 1950 Population Registration Act, which classified the entire South African population according to race, based on appearance, descent and 'general acceptance', as well as by the eventual removal of the Coloured People from the common voters roll in 1955 (Lipton, 1985: 23, Brooks, 1968: 116 - 126). Influx control was stepped up, and "The influx control laws were wielded particularly ruthlessly against Africans suspected of political agitation" (Posel, 1991: 123).

As tensions between the races grew, inevitably, violence broke out, most notably at Sharpeville, in 1960, and widespread unrest followed (Lipton, 1985: 29). Under pressure, the government proscribed the PAC and the ANC and large numbers of their leadership were arrested. The South African Communist Party had been banned earlier, in terms of the Suppression of Communism Act, in 1950 (Pampallis, 1991: 181). Under these circumstances, the leaders of the black struggle perceived little option, but to take their resistance underground, and to use violent methods in view of the lack of success of their non-violent struggle. The military wing of the ANC, Umkonto We Sizwe was born, as was Poqo, the military arm of the PAC. The African Resistance Movement, consisting mainly of young, white radicals, also took up the violent struggle.

These organisations began to attack targets within South Africa, but were unable to have any notable effect on the white state, except to strengthen its resolve to break the resistance; which it did, by large-scale arrests of the leadership, most of whom were incarcerated after trial, for treason and sabotage. The state also responded by legislating a battery of "security" laws

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107 See Lodge, (1987: 67 ) for an account of the increasing pressures being brought to bear on black South Africans in the years following the 1948 election. Just some of the developments were that urban influx control was tightened, fresh restrictions were brought in to curb the activity of African trade unions, the resettlement of Africans away from inner city areas, to remote locations, an ethnically discriminatory educational curriculum was implemented. Africans were excluded from commerce and ownership of property more stringently than before, and the Criminal Law Amendment Act imposed severe penalties for any civil disobedience.

which made a mockery of liberal principles such as *habeus corpus* and freedoms of association, speech, the press, etc <sup>108</sup>. The escalating tension of the South African conflict is nicely captured as follows by Stadler (1987: 77) “The massacre at Sharpeville, the banning of the ANC, and the PAC, and the emergence of militant resistance in the form of the African Resistance Movement, Poqo and Umkonto We Sizwe, were indications that henceforth the significant political confrontations were going to concern the survival of the political order itself.”.

The racial state was increasingly becoming a police, and military state as well. Initially, the repression was successful. That leadership of the liberation movements which did manage to escape prison, fled into exile to receive training, and to prepare for an armed struggle. A period of quiescence followed, in the period between the mid-sixties and the mid-seventies. According to Johnson (1977:23), “By the later 1960s the forces of the South African revolution had become almost wholly a movement in exile.” Eventually, however, protest emerged again, in new guises and using new channels. Increasingly, black labour began to organise against racial inequalities in the workplace. A series of widely-publicised strikes<sup>109</sup>, including the PUTCO bus strike of 1972, and the Durban strikes of 1973 brought the issue of the legalisation of African trade unions into prominence. Among the ranks of black students, a new movement, known as Black Consciousness arose, attacking white domination and urging greater black assertiveness. Steve Biko was the most important leader of this movement (Price, 1994: 19 –

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108 See, for instance chapter entitled: “Measures relating to security and the control of persons, organizations and media of communications”, in Horrell, M., (1978: 412 – 479), for an account of the plethora of security legislation, proclamations etc aimed at restricting free political activity in South Africa before the reforms of the early Nineteen-Eighties.

109 According to Johnson (1977: 187), by the end of 1974 there had been “...over 300 illegal strikes since the start of the wave in 1972.” According to the 1981 report of the Study Commission on US Foreign Policy Toward Southern Africa, “...as many as 75 000 African workers staged general strikes in the industrial areas around Durban. Sporadic strikes in other urban centres ensued.”

29). Increasing militancy among school children finally broke out into open hostility in SOWETO, in 1976, when students protesting against the use of Afrikaans in their schools drew an armed and violent response from the police. The Soweto riots, as they became known, spread around the country, leaving more than seven hundred dead and many injured over a period of sixteen months.

The South African government reacted this time, by not simply clamping down in the usual fashion, but by also beginning to examine the possibilities of limited reform, to defuse the pressures being brought to bear upon it; both internally and externally, as the international community of states began to apply economic and cultural isolationist policies against South Africa. A more enlightened labour dispensation, recognising the rights of black workers to organise, was implemented. In the political arena, it was believed that the previously excluded Coloured and Indian population groups should be incorporated into the state in such a way as not to threaten the whites' hold on power <sup>110</sup>. As an answer to this need, the Tricameral constitution was designed, and eventually implemented in 1984. Almost unbelievably, in terms of the new constitution, which gave political rights to Coloured and Indian South Africans through separate legislatures, the black majority of the population was still excluded from the political process, although limited forms of participation at local government level were encouraged. It was still believed that blacks should exercise their political rights as citizens of the homelands; not of South Africa as a whole. According to Boule, (1984: 223) "That the government has indulged in consociational engineering on a limited and selective basis is evidence of its incompatibility with the government's constitutional policies and political strategies. Even within the limited scope of the 1982 constitution the government was unable to accept the constitutional implications of the system".

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<sup>110</sup> These trends resulted in the establishment of the Theron, Rieckert and Wiehahn commissions, which were tasked, in the mid-seventies, to examine and make recommendations on possible reform with respect to the political status of the Coloured people, urbanization of the African population and the labour relations dispensation (Scire, 1991: 31)



The implementation of the Tricameral system, and proposals for new black local authorities by the government proved to be another factor galvanising black resistance. According to Welsh (1994:183): "There can be no doubt that the constitution exacerbated the conflict and destabilised the society, but these consequences of its blatant exclusion of Africans forced the issue of African political incorporation to the top of South Africa's political agenda." It led directly to the formation of the United Democratic Front (UDF), the umbrella body which united many different organisations including labour unions, civic organisations, professional organisations, student bodies, churches and human rights organisations against the government. In its normal style, the government responded by arresting, confronting, and in some cases by shooting protestors.

Brewer (1986: 422, 423) has perceptively claimed that the Soweto revolt represented something of a watershed in the struggle against apartheid in South Africa. It created a unity among the different forces within the disenfranchised majority which had previously been absent. Brewer also notes that the episode brought about a change in their attitude towards negotiation; a strategy they had rejected outright before, but one which was now acceptable under the right conditions. In Brewer's own words: "...the uprising helped initiate a series of liberalizations which have implications far beyond those which the government intended. Secondly, the uprising has helped to bring about a vociferous period of protest and resistance. The implication of this opposition is that African protest and resistance have themselves been changed in such a way as to strengthen it." (Brewer, 1986: 407, 408, Johnston, 1995:48).

In other ways, the Soweto uprising had an impact on South African politics. The military were used in a more central role, not only to maintain "law and order" in black townships, but also to act pro-actively to counter the "total onslaught" at home, and across South Africa's borders, which the government

perceived itself to be facing<sup>111</sup>. The resistance to apartheid had attracted much sympathy and some support from western states, and more from the eastern bloc countries. Limited economic sanctions had been implemented and South Africa was being isolated internationally in cultural and sporting fields. These developments led to the ruling elite, much influenced by military strategy since the rise to power of (former Defence Minister) P.W. Botha, describing their situation in increasingly existentialist, survivalist terms.

The 1983 constitution, presented by the National Party government, while indicating that the government was prepared to seek political solutions to mounting pressure, was essentially a corporatist proposal, that incorporated Coloured and Indian segments at the expense of the exclusion of the African majority. It gave rise to renewed protest actions, by an increasingly unified resistance, under the banner of the United Democratic Front.

The resistance which took place in the middle-eighties was the most widespread, and varied that had yet taken place in South Africa. It included consumer-boycotts of white businesses, and attempts at making the black townships ungovernable. Mayors, municipal councillors, police and other “system” officials were the chief targets of the resistance. Many people were killed <sup>112</sup>. The resistance was highly organised into area and street committees, which managed to survive the state's clampdown for a long period of time.

A state of emergency in the affected areas was declared by the government in July 1985, which was followed by a national state of emergency on 12 June

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111 See, for instance Davies and O'meara ( 1985), “Total Strategy in Southern Africa: An Analysis of South African Regional Policy since 1978” for an account of South Africa's dual strategy of internal reform and repression, and its external policy of pressure and alliance formation.

112 See Schrire (1992: 79, 80) for an account of the revolt.

1986 which was extended until 1990. Thousands of activists were detained, mostly from the UDF and Azapo.<sup>113</sup>

Most of the militant activists were extremely young, and discipline was often maintained by particularly violent methods, such as burning by the notorious tyre "necklace" method. Eventually, however, by 1988, the superior force of the state had prevailed; the UDF and seventeen other anti-apartheid organisations were banned by the government on February 24 of that year (Schrire, 1992: 230).

As was the case after the 1976 revolt, the government again reacted with more than simple oppression. There was still a reformist track to the National Party's strategy. According to Lipton (1986 :378): "As after Sharpeville and Soweto, the interaction of external and internal pressures generated a complex chain-reaction of effects, intensifying both reformist and authoritarian pressures, and raising the political temperature and the level of violence – by blacks, by the police, and by the SA army in the region."

During the middle Eighties however, it was becoming increasingly apparent to the state that it could not survive the different pressures which were being brought to bear upon it, and retain apartheid intact. The government expressed its readiness to negotiate with any black leaders, as long as they rejected violence. The main liberation movements; the ANC, PAC, SACP and AZAPO, all of whom maintained military wings, were in this way excluded<sup>114</sup>. It was the government's intention thereby simply to negotiate, or more accurately, to consult with its own appointed black leaders; to arrange some form of power-sharing, leaving whites in control of their own affairs, and therefore also in control of the bulk of the wealth of the country. In this regard,

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113 According to Pampallis (1991: 288), by June 1988, more than 30 000 people had been detained. More than a thousand were detained for more than two years. See also Schrire, 1982 (77 – 105) for comment on this period.

114 Van Zyl Slabbert (1985: 160), writing at the time captured the mood of black South Africans after the implementation of the 1983 constitution as follows: "...not one black leader, spokesman or editor of any standing, whether moderate or radical is prepared to give even a qualified endorsement to the tri-cameral system."

one of the key leaders with which the government wished to "negotiate" was Chief Minister Buthelezi of the Kwa Zulu homeland.

Buthelezi, nevertheless, insisted on the release of the jailed African leadership as a condition for his own participation in any such negotiation. It was clear, however, that the international community was standing firm on its conditions for the lifting of sanctions, including the scrapping of all apartheid legislation, the release of political prisoners, the unbanning of the liberation movements and commitment to negotiations leading to full democracy<sup>115</sup>. These conditions reflected the liberation movements' own demands of the South African government to a large extent. A number of other factors also encouraged the government to move more rapidly away from its traditionally repressive response to pressure:

International economic and other sanctions were beginning to exert pressure. By the early nineteen-nineties, Geldenhuys was able to write that: "By the end of Mr Botha's presidency in 1989, South Africa was undoubtedly one of the most isolated states in the world." (1990: 8)<sup>116</sup>.

Elsewhere,(1989: 281-286) Geldenhuys has documented the extent of that isolation, distinguishing the diplomatic, cultural, military and economic isolation of South Africa. Internationally, the crisis in communism in Eastern Europe, particularly the crisis in the Soviet Union, had major repercussions around the world, including Southern Africa. The Soviet Union was disengaging from its clients around the world, and becoming less belligerent in its relations with the United States. These events signalled the end of the Cold war. From this time on, the South African government knew that it could

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115 See for instance Fraser et al, 1986, for an account of the demands placed on the South African government.

116 Geldenhuys bases his statement on, among other things, South Africa's paucity of diplomatic links, its low incidence of membership of international organizations, its low frequency of international treaties, comparatively few visits abroad by the leadership, the high number of condemnatory resolutions by the UN and other organizations, the arms embargo after 1977, and cultural and sporting embargoes, all of which exceeded the isolation of the other so-called "pariah" states.

no longer justify itself to the West, simply in Cold War terms. To say that it was anti-Communist in a world in which communism was becoming increasingly less of a factor, and in which the Soviet Union, the major communist power had given up on communism, and was itself in the process of disintegration, held very little credibility. The South African government's experience of negotiation with the Soviets in the Namibian independence process also persuaded the South African leadership that the Soviet Union could be trusted. The peaceful transition in that country, along with comparative moderation of SWAPO leadership<sup>117</sup> also played an important role in undermining the prior belief which the South African government had in the motives and tendencies within the African liberation movements. Furthermore, the South African government was growing in confidence in its ability to counter the communist aspects of the policies of the South African liberation movements.

It was also going to be easier for the government to deal with its right-wing critics, who would normally have used the communist threat as one of their most important arguments against dealing with the liberation movements. In the post-cold-war era, negotiation was increasingly the only option facing the government.

Equally, on their parts, the liberation movements were becoming aware that they would not be able to rely on the sponsorship of their armed struggle by their erstwhile Eastern bloc allies, even in the medium term. Internally, the government's constituency had shifted quite significantly since the late seventies. The first experiments with limited power-sharing with coloureds and Indians in the Tricameral parliament were unacceptable to many of its traditional Afrikaner support base, who felt threatened by the changes. These, old-style nationalists established the Conservative Party under A.P. Treurnicht as a response. The threat and reality of economic sanctions and

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117 See for instance Crocker, (1992 ) *High Noon in Southern Africa: Making Peace in a Rough Neighbourhood*, and Jabri, (1990), *Mediating Conflict: Decision-Making and Western Intervention in Namibia*, for accounts of the experiences of the South African government in the negotiations leading up to the independence process in Namibia.

other forms of external pressure, on the other hand, had served to unite many of the government's erstwhile English-speaking critics behind the National Party, especially after Prime Minister Botha at the Carlton and Good Hope conferences convinced business interests of his intention to liberalise the South African economy. The nett effect was that the government's constituency had shifted significantly, and was increasingly one which would, in the interests of an improved economy, support an increased pace of democratic reform. Brewer, following the findings of polls by Schlemmer and Welsh, points out that as many as seventy five percent of white South Africans would, after that realignment, support "...constitutional possibilities which moved away from traditional apartheid..." (1986: 408, Schlemmer, Stack and Berkow, 1991: 164).

Against this background, and somewhat against expectations, F.W. de Klerk, a conservative in the Botha cabinet, rose to the leadership of the National Party after the ill-health of P.W. Botha led to his decision to separate the post of State President from the position of leader of the National Party. High on de Klerk's list of priorities was the restoration of civil rule, which he began by reigning in the "securocrats" of the state security council and the joint management committees that had become prominent under Botha (Schrire, 1991:131). As will also be shown in the next chapter, however, F.W. de Klerk had, after becoming State President, to adapt to the news, previously unbeknown to him, that a secret dialogue had opened up between elements in the intelligence community, certain cabinet colleagues, Nelson Mandela and the ANC leadership in exile<sup>118</sup>. In his first opening of parliament speech, on the 2<sup>nd</sup> of February, 1990, he announced his intention of liberalizing, democratising and negotiating the future of a new South Africa - a programme which was then put into effect, and which changed the face of South African politics forever.

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118 It could be interpreted that part of de Klerk's reigning in of the Security apparatus involved his bringing the process that they had clandestinely embarked upon years previously, into the public domain.

When we speak of conflict in South Africa, it is important to note that that conflict is not simply a racial confrontation between blacks and whites contending for power within the country. The long history of conflict, and indeed the history of the physical repression of that conflict has led to a proliferation of parties and issues. Conflict has also "spilled over" from national levels to local levels and vice-versa. It has been displaced from overtly political theatres to the workplace and elsewhere.

### **5.3 Mapping the South African Conflict**

Against the above, briefly-sketched background to the current position in South Africa, the application of an analytical tool is appropriate. According to Wehr (1979), a map of the conflict provides clearer insight regarding the "... understanding of the origins, dynamics, and possibilities for resolution of the conflict". Wehr goes on to recommend the inclusion of the following information in a conflict map: Summary description, conflict history, conflict context, conflict parties, issues, dynamics, alternative routes to the solution of problems, and the conflict regulation potential.

Due to its protracted nature, the macro-level socio-political conflict in South Africa produced a proliferation of parties over the years. If one accepts the fact the conflict was primarily a communal one, among the racial/ethnic groupings as Giliomee and his supporters propose, then it must also be unambiguously stated that each of the main communal actors was certainly not monolithic and that each could be sub-divided into a number of parties<sup>119</sup>, most of which have significantly different strategies as well as end-goals. Rhodie (1991: 21) captures this complexity as follows: "Socio-political conflict in South Africa can be traced to the competitive interactions between two clusters of interest groups, the one consisting mainly of people who broadly define themselves as black, and the other comprising mainly people who broadly define themselves as white. Historically these racial categories

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119 Schlemmer had stated, as early as 1978, that the dominant conflict apart, "Sub conflicts abound both within and between the white and black political positions." (1978: 161)

coincided roughly with the economic, sociocultural and ethnic cleavages that would become the basis of white racism.”

### **5.3.1 The Ruling Communal Group**

On the side of the ruling communal group, there were a number of formal political parties, as well as a number of pressure groups, which generally aligned themselves with these. We discuss these briefly below.

#### **5.3.1.1 The National Party**

Firstly, and most significantly among the ruling communal group there was the National Party, which formed the government of the country. It was, until shortly before the negotiation, and arguably into the negotiation phase, wedded to the concept of white domination through political control of the state and the promotion of the economic interests; initially of the Afrikaner, and subsequently, of the white inhabitants of the state. Before the advent of negotiations as has been spelt out above, the leadership of this party shifted their position, favouring a free-market economic system, which would serve the interests of the business sector, by liberalizing South African society and providing a more inclusive democracy, though still restricting the political rights of the African majority, while protecting the "rights" of the minority through constitutional safeguards and the privatization of the economy. Some commentators have correctly maintained that the National Party only finally promoted a liberal, free-enterprise model when they realised that they would invariably forfeit their control of the country via co-optative, corporatist approaches. De Klerk's own position was summarised by his brother as follows: "I don't expect him... to make a leap of faith, away from the ideal of racial groups...F.W. de Klerk is too strongly convinced that racial grouping is the only truth, way and life." (Schrire, 1992:126)

#### **5.3.1.2 Conservative Party**

Secondly, there was the Conservative Party, the major white right-wing party which remained wedded to the concept of "separate development" or Grand Apartheid, with different ethnic groups living in their own areas, under



independent governments. Increasingly this was taking the form of proposals for a separate "Volkstaat". Since the advent of a pre-negotiation phase in South Africa, the Conservative Party, which had only recently before expressed a willingness to negotiate, and which had a limited vision regarding what it was prepared to negotiate, experienced a split as certain of its leaders opted for a greater commitment towards negotiation.

#### **5.3.1.3 Democratic Party**

Somewhat to the "left" of the National Party, was the Democratic Party, whose policies differed only slightly from those of the National Party. Traditionally, the party had fought for the liberalization and democratization of South Africa. The DP supported a free-market economy, and claimed to be the only party which could be trusted to protect the fundamentals of liberal democracy. It was the one party that had always stood for a negotiated settlement of the South African conflict.

#### **5.3.1.4 Black "System" Parties**

During the last stages of apartheid, various leaders of the disenfranchised, black groups were co-opted by the National Party to provide a form of legitimacy for its policies internally, and to convince the international community that the NP was reforming in a democratic direction. Examples of parties which fell into this category were the Labour Party in the Coloured House of Representatives and the Solidarity and National People's Parties in the "Indian" House of Delegates. Although critical of the system, these parties had participated and developed a stake in it.

Since 1991, as the Labour Party increasingly identified itself with the struggle against the National Party, there was a drift of its Members of Parliament towards the NP, which eventually saw the governing party representing the majority in the House of Representatives. The Inkatha Freedom Party developed out of Inkatha Yenkululeko yeSizwe, a cultural revitalization organisation resuscitated by Chief Mangosuthu Buthelezi in 1975 (Kotze, 1978: 128). The organisation overwhelmingly drew its membership from the people of KwaZulu. Although critical of the governments' policies, Buthelezi

accepted self-government for KwaZulu, and came in for much criticism from the liberation movements, who saw him as a collaborator with apartheid. There was also much criticism of Inkatha for using heavy-handed tactics in recruiting its members. Although Buthelezi fought strongly for the release of Mandela and the unbanning of the ANC (Kane-Berman, 1991:86), he became extremely critical of the ANC and its associated organisations, which he sometimes referred to as the "Ungodly Alliance". An important point of difference was the IFP's preference for free market economics, opposed to the mixed economy, with a redistribution of wealth, which the ANC supported, and an opposition to the application of economic sanctions or the waging of armed struggle against South Africa (Johnston, 1995: 53, 54). Buthelezi also campaigned extensively in opposition to the imposition of economic sanctions against South Africa. During the eighties, Inkatha was instrumental in promoting an investigation into a separate constitutional option for KwaZulu/Natal (Mc Caul, 1988: 156, 157).

Particularly since the unbanning of the ANC and the release of Nelson Mandela, however, tensions grew between Inkatha, which subsequently organised itself as a political party in preparation for non-racial elections, and the ANC/SACP/COSATU alliance. Natal was riven by extreme levels of violence, associated, among other things, with a turf war between the two organisations. The IFP was continually associated with the heavy-handed KwaZulu police, "warlordism" and the use of force. It was determined to work within the framework of the homeland system, which brought it into frequent conflict with the alliance tactics of consumer and school boycotts, and worker stay-aways (Johnston, 1995: 53). It boasted a handful of white Members of Parliament, who had left their homes in the Conservative Party, National Party, and the Democratic Party, for the IFP (Welsh, 1994: 44).

#### **5.3.1.5 Business**

Business interests must be regarded as an important interest group in South Africa. For many years business interests were extremely critical of the National Party's policies, although there were many analysts who would show how they benefited from them. Business began to apply more pressure on

the government as South Africa became more isolated internationally, however. Government became more sensitive to business calls to liberalise and democratise the state, and Prime Minister P.W. Botha went to great lengths to meet business interests, and to implement his reform program. Business interests then largely swung around to back the government, especially after the split between the National Party and the Conservative Party. Business also took the lead in meeting with the exiled ANC leadership, and were sharply criticised for this by the government at the time<sup>120</sup>. Because of its support for a smooth, negotiated transition to democracy, business was crucially instrumental in much of the prenegotiation process, as well as in the National Peace Accord, as will be shown in the following two chapters.

#### **5.3.1.6 Parties on the Far Right**

On the very far right of the political spectrum, a group of organisations sprung up, vigorously opposed to the idea of the abolition of apartheid. Foremost among these organisations was the Afrikaner Weerstand Beweging, which was intent upon continuing the struggle of the Afrikaner by military means, should the parliamentary and negotiation tracks fail. These bodies were based upon military forms of organisation, and in some cases pursued their goals by force. A particularly violent group was the "Wit Wolwe" which claimed responsibility for a number of killings.

#### **5.3.2 The Resistance**

In the period leading up to the negotiations, the African National Congress, the South African Communist Party and the Congress of South African Trade

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120 Government arranged two summit meetings, seeking the support of business, known as the Carlton and Good Hope conferences, where it promised to embark on a policy of strengthening the free-enterprise system.. According to Mann (1988: 60) : "In November, 1979, at the Carlton Conference in Johannesburg, the inauguration of a new epoch of formal co-operation between the government and business was solemnized. It was also business leadership under Gavin Relly, for instance, that took the early lead with regard to meeting the ANC leadership in exile in Zambia. The Consultative Business Movement also did important work facilitating the pacting and negotiating processes in the country, and it was Business among others that worked to finally bring Buthelezi into the election process.

Unions coalesced for the purposes of forming a broad electoral front, known as the Tripartite Alliance.

#### **5.3.2.1 The African National Congress**

The senior partner was the ANC, the senior liberation movement in the country, dating from 1912. The ANC, as has already been mentioned above, opposed racial exclusion with a number of strategies, ranging from peaceful petitioning, through non-violent mass action, to armed struggle (Lodge, 1983: 50 – 54). It had always called for negotiations to determine a non-racial democracy in South Africa. Its vision of a future South Africa was an inclusionary one, designed to accommodate all South African race groups on equal terms. There was a commitment to a mixed economy with redistribution of wealth to compensate for the years of apartheid rule. The main points of the ANC negotiating position were:

- Equal rights for all South Africans, regardless of race, colour or creed.
- An accountable government, elected periodically by an electorate based on universal suffrage and a common voter's role.
- Political pluralism, a multi-party state, and freedom of speech and assembly.
- There was a commitment to a mixed economy with redistribution of wealth to compensate for the years of apartheid rule.
- Protection of rights and freedoms through a justiciable Bill of Rights.
- A separation of powers, including an independent judiciary to uphold the rule of law and constitutional principles.

On the eve of the negotiations, the ANC struggled to contain two tendencies; a revolutionary tendency, and a negotiation tendency. The negotiation tendency held the upper hand, dependent on the ANC being able to demonstrate success in the negotiations (Swilling and Rantete, 1991: 210, 211).

The African National Congress was clearly the political movement (not yet a political party) with the most popular support in the country. That support was,

however extremely volatile, in that much of the youth, and radicalised, unemployed sections of the society was inclined to view its participation in negotiations with the National Party as disloyal to their struggle. Simultaneously, there were groups to the left of the ANC, which continually attempted to outbid it in this regard. It would be portrayed as soft with regard to the armed struggle, its commitment to redistribution as well as in its commitment to the upliftment of black South Africans. At the end of the eighties, the ANC, like its future negotiating party was caught between two strategies; in this case, the strategies of negotiating a future for South Africa, and achieving its ends by military and popular struggle.

#### **5.3.2.2 The Pan Africanist Congress**

The Pan Africanist Congress was established by a group, under the leadership of Robert Sobukwe, who broke away from the ANC in 1958, citing the ANC as being too much under the influence of whites and communists, as the reason for their secession (Davenport, 1977: 285, 286). As the name suggests, the PAC was greatly under the influence of the ideas of Pan Africanism then current in the United States and in liberation movements elsewhere in Africa. The PAC accepted the inevitability of negotiations only reluctantly. Though it saw negotiations as unavoidable, it believed that "...political negotiations will only provide minimum opportunity for the African Liberation movement to continue to struggle for true political and economic independence." (Swilling and Rantete: 1991: 218). The period leading up to negotiations saw the PAC presenting an incoherent, divided front, and apparently losing support to the ANC. It continued to incite violence through activities such as chants of "one settler, one bullet". The PAC was not in favour of the negotiation process as it stood, believing that the National Party, as government and party simultaneously, was in too favoured a position.

#### **5.3.2.3 The Azanian People's Organization**

The Azanian People's Organisation was founded in October 1979, in response to the need for a Black Consciousness organisation to lead the struggle for democracy in South Africa in the absence of the Black Consciousness movements which had been banned in October 1977.

AZAPO was the leading black consciousness organisation, and had a strong following among black intellectuals and academics (Lodge, 1987, Friedman, 1987: 64). Its policies were heavily influenced by Marxist socialist ideology and it was strongly anti-collaborationist. It rejected the Freedom Charter as a liberal and reformist document (Hugo and O'Malley, 1989: 159 – 161).

#### **5.3.2.4 The South African National Civics Organisation**

The South African National Civic Organisation was founded in March 1992, as an umbrella body, representing the large number of Civic organisations which sprang up during the Eighties to organise local politics in mainly black, but also in Coloured and Indian areas. The civic organisations which had united to form the UDF in August 1983, were increasingly in crisis after the advent of the reform programme of F.W. De Klerk, as political activists were then free to join the ANC, Azapo or PAC, in pursuit of their political goals. It was felt, however, that the Civic organisations still had a vital role to play in the area of socio-economic development.

#### **5.4 South Africa as an example of Protracted Social Conflict**

In this section we will be drawing on the ideas of Edward Azar, basic human needs theorist, and the most notable proponent of the notion of protracted social conflict, and attempting to apply this model to the South African reality<sup>121</sup>. In offering a definition of protracted social conflict, Azar (1989:6), writes that: "...many conflicts currently active in the underdeveloped parts of the world are characterized by a blurred demarcation between internal and external sources and actors. Moreover, there are multiple causal factors and dynamics, reflected in changing goals, actions and targets. Finally, these conflicts do not show clear starting and terminating points."

Elswhere (1986: 28), Azar makes the following statement, explaining the nature of protracted social conflicts:

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121 Azar is co-author with Burton of a number of works on conflict resolution. He has provided the most detailed account of the nature of what he terms protracted social conflict, which is used interchangeably in the literature with Burton's favoured term "Deep rooted social conflict"

“In particular, they [societies experiencing protracted social conflict] have enduring features, such as economic and technological underdevelopment, and unintegrated social and political systems. They also have other features that are subject to change, but only when conditions allow for far-reaching political changes. These include features such as distributive injustice which require the elimination or substantial modification of economic, social and extreme disparities in levels of political privilege and opportunity.” So far, the South African case before 1994 shared all these attributes.

In his treatment of the phenomenon, Azar deals with the genesis, dynamics and outcome analysis of protracted social conflict. Four “clusters of variables” are said to comprise the background conditions of societies beset by this species of conflict. These clusters are communal context, human needs, authoritarian government and international dependency. We will deal with each in turn below, discussing its relevance to the South African situation.

#### **5.4.1 The Communal Content of Social Conflict in South Africa**

According to Azar, the most significant factor related to a protracted social conflict is probably the “communal content” of a society. Where societies are characterized by multi-communal composition, Azar believes, protracted social conflicts are most likely to arise. Communal in this sense refers to politicized ethnic, religious, linguistic or other cultural identity groups. In South Africa, one might add race as a further distinguishing factor (Azar, 1989: 7, Azar, 1986: 31).

There has, however, been a long-standing debate within the scholarly community of social scientists regarding whether conflict in South Africa is “communal” or not; a debate which is important to the case for protracted social conflict in South Africa, and therefore needs to be reflected here. It has in recent times generally not been a fashionable approach to include ascriptive attributes such as ethnicity into theories of social behaviour. This would explain a general lack of material on ethnicity within the field. According to Connor (1990:17), scholars have been slow to [re] discover the importance of ethnic nationalism because:

- The intellectual is uncomfortable with the nonrational, and is concerned with the search for quantifiable and therefore tangible explanations
- There is a tendency to confuse facts with perceptions of facts. The myth of common origin of ethnic groups is socially important regardless of the truth of common origin

Horowitz (1991:28) agrees, and adds further arguments to these when he writes that: "Western scholarship often sees ethnic affiliations as a mask for what are really class affiliations, as diversions from more important forms of conflict.", and later he writes: "The reasons for this bias against ethnicity run deep. They relate to the general disfavour in which ascriptive affiliations of all kinds are held in the West, and to the growth of materialist explanations for all social phenomena." (1991:29). The episodic nature of the salience of ethnicity in conflict is another reason why it is often ignored by scholars (Horowitz, 1985: 13).

As though the above were not sufficient reasons for academics' avoidance of the ethnic factor, Rothschild further supports the argument and adds the following additional explanations:

- The apparent low salience of ethnic affiliations in the nineteenth century birthplace of the social sciences
- The concomitant assumption that the uniethnic nation state is the norm
- The Jacobin political tradition which insists that the state imposes cultural homogeneity upon its population
- A similar tendency in American political science to exaggerate the capacity of elites to mold and integrate society
- The tendency of the structure/functionalist school in anthropology and sociology to exaggerate the importance of equilibrium and underrate conflict and change
- The expectation in Communication Theory that greater contact among groups tends to lead to greater mutual understanding rather than mutual alienation



- False expectations, based upon the ability of medieval European nations to integrate new groups, under vastly different circumstances
- A probably false belief that the integrations which formed the nation-states of Europe are irreversible
- An exaggeration by the social sciences of material progress to erode the concomitant underestimation of ethnic bonds
- The "end of ideology" assumption which postulates that political behaviour is to be informed by pragmatic considerations in the wake of the loss of power of ideologies ignores the possibility of the rise of ethnic ideologies
- The "melting-pot" tendency in the united States misled social scientists into believing that ethnicity could be as easily eroded in all situations
- The Nazi experience gave ethnic, or nationalist values a sinister connotation in the post-World War II years
- Much social science field-work in the post-war years was done during periods of national-liberation struggle, during which ethnic tensions were often muted (1981, 20 -24).

This aversion towards the ethnic explanation runs particularly strongly in serious analyses of South African politics outside of the intellectual supporters of the National Party government. Over and above the reasons cited above, this is mainly because of the revulsion at the crude manipulation of ethnicity by the South African government and the intellectual apologists of apartheid. The importance placed upon the ethnic group to the exclusion of all other types of affiliation, as well as the manipulation of ethnicity by the government created great suspicion towards the concept and undermined any usefulness that it might have had. According to Horowitz, this has produced something "close to silence" on ethnicity in the writing on South Africa (1991: 29) <sup>122</sup>.

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<sup>122</sup> This is further echoed by Seidman, writing in 1999 (434), pointing up the irony of the situation as follows: "It is ironic that in a situation where racial differences have been so visible – and in a situation where complexities of racial identities and racial politics were played out in daily newspapers as individuals

There are, however a group of scholars working on conflict in South Africa who cannot simply be regarded as apologists for apartheid, and who do concentrate on ethno-national interactions. Historically, scholarship on South African race relations has led us to believe that simple integration would likely prove ineffective in the resolving of the problems of South Africa. In this regard, one can cite the concerns of Hoërnle, writing in the 1930's and 1940's. Though a leading liberal, Hoërnle remained sceptical of the possibility of the successful integration of the races in South Africa (Rich,1984).

Perhaps foremost: among these scholars is Giliomee, of whom Connor (1990: 20) has the following to say. "In the case of South Africa, Hermann Giliomee purposefully and wisely eschews the word ethnic in favour of the word communal." Giliomee himself writes that: Ethnic is too narrow a category for it refers to a group with a common belief in a shared ancestry and history. This would fit Afrikaners, but not the larger white community, or, for that matter, the African, or larger black community. (1989: 114). It would seem as though Giliomee is grappling with the need for a reference point somewhere between race and ethnic group. Elsewhere, (1989: 114) writing on South Africa, Giliomee states: "...the communal conflict is essentially not a disguised class struggle. It is between two communities, predominantly Afrikaner and African respectively, whose primary aim is control of the State and possession of a historic homeland." The important point for Giliomee is to establish the non-class nature of conflict in South Africa, even though he recognises the "huge gap in material wealth between whites and Africans" in the country.

The assertion of the, communal nature of conflict in South Africa does not go uncontested, however. Adam, another prominent scholar of South African politics, is at pains to challenge it. He establishes his argument, firstly on the grounds that Afrikanerdom, by denying brown Afrikaners group membership while allowing white immigrants generally access to that status, fails to

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confronted the tensions between rigid racial categories and the more fluid reality of human lives – discussions about race have generally been left out of progressive scholarly work."

recognise the kinship basis of ethnonational identity which distinguishes communal groups elsewhere. Secondly, conflict in South Africa is not comparable to nationalist conflicts in other divided societies as the African National Congress does not oppose Afrikaner nationalism with African nationalism, but rather with an appeal to a broader civic and territorial patriotism.

A further argument proposed by Adam is the fact of one of the sides of the in the conflict rejecting its own "supposed group identity". He goes on to say that: "the conflict is better conceptualised as the hold-out of a minority against the socio-economic implications of majority rule, rather than as a communal conflict with equal rights [claimed] on both sides" (1990: 233). There is also an ideological element in terms of which racial nationalism is challenged by liberalism and a variety of "socialist" visions.

Increasingly, the conflict has become one of cooptation by the Afrikaner nationalists of members of other racial groups, which shifts the conflict into one between privileged powerholders and excluded subordinates in the same state. It is argued further, that increasingly, schisms within the Afrikaner grouping assume great importance - for instance the differences between the National Party and the group which Adam calls the ultra-right often assume greater importance than the inter-communal conflict. On the other side, conflict between the supporters of the ANC and those of Inkatha has often become violent and led to death and injury. Adam, discussing the pre-democratic era, maintains that the claims of a white community are therefore as questionable as those of a black community in the South African context (1990: 235).

When Adam writes of the conflict being better conceptualised as a minority holding out against the implications of majority rule, he neglects to mention upon what grounds that minority has organised itself. He himself is not claiming a class status for that minority. It needs also to be mentioned, that although Afrikanerdom was seriously divided against itself, as he correctly claims, these serious schisms were of relatively recent vintage at his time of

writing, as were the attempts by that group to co-opt individuals from other "communal" groups to, ensure their own continued domination. These aspects of the South African conflict were attempts to "modernise" apartheid, and were not typical of most of the history of the conflict.

It is, of course, not necessary that we define conflict in South Africa as simply communal conflict, as though it were not affected by any other socio-political or economic variables. It is in this vein that Hanf (1989: 90) poses the question: "Why should social conflict be considered in predominantly one-dimensional terms - be it horizontal economic conflict between interests "above" and "below", or cultural conflict between different vertically juxtaposed groups?"

Although the communal aspect is not the only dimension of conflict in South Africa, it is undeniably one of the most important elements in the multi-dimensional conflict in South Africa. Although inequalities in wealth between the parties in conflict in South Africa are vast, it is important to realise, as it is so often pointed out, the fact that these differences are largely the result of the capture of the apparatus of the South African state by a party which identified itself in largely racial, and later in ethno-national, or in the language of Giliomee and others, including Azar, "communal" terms .

#### **5.4.2 Human Needs in Social Conflict in South Africa**

The second cluster of variables identified by Azar as a background condition of protracted social conflict is the denial of basic human needs. According to the needs theorists, the survival of human beings and communities of human beings depends on their ability to satisfy their material needs. It is also a fact that the satisfaction of these needs rarely takes place in an even or just manner. Whereas some individuals or groups might enjoy a surplus of needs satisfaction, the needs of others will remain only partially satisfied, or, perhaps even totally unsatisfied. Grievances resulting from need deprivation are, according to Azar, most often expressed collectively. When authority fails to address such grievances, a niche is created for the development of protracted social conflict (Azar, 1989:7,8,9). However the key to the satisfaction of

human needs is access to social institutions, or to put it differently, effective participation in a political system. In this sense then, there is always a derived need for participation, whenever there is a denial of other human needs satisfaction.

The deprivation of physical needs and the denial of access to political institutions are often rooted in the, "refusal to recognise or accept the communal identity of the other groups". Azar actually uses the South African example to illustrate the point. He writes as follows:

"Blacks are denied access to social institutions precisely on the basis of their racial identity. A claim of superior identity (i.e. white supremacy), rather than objective conditions (eg. economic or political motives), largely determines the nature and scope of the denial of security and identity needs of blacks. Such denial fosters greater cohesion within victimized communal groups, and may work to promote collective violence and protract the conflict if no other means of satisfaction is available." (Azar, 1989: 9,10).

The oppression of blacks in South Africa was upon the assertion by the white minority, of their identity needs. Statements by senior National Party leaders, such as Prime Minister Verwoerd bear ample testimony to this fact (1992: 73). This then led to the denial of security and other material needs of black South Africans to a large extent, but the position regarding their identity needs is an interesting case. If anything, the government of South Africa overemphasized the cultural particularities of the groups that comprised the majority, and abrogated unto itself the right to define these identity needs. In fact, the government used the issue of identity; firstly racial identity, and subsequently ethnic or cultural identity to deprive the black groups of the same levels of physical security as those enjoyed by white South Africans.

The generalization of Azar regarding the communal responses to such denials is also borne out by the South African example. The denials of needs satisfactions did indeed foster greater cohesion within the frustrated group (as could be seen in the united response to the foisting on the country of the 1983 constitution), although the position is a complex one. As alluded to above (in

para 5) , there are great divisions within the ruling group as well as within the opposing black formations. Policies among the movements opposed to the white-dominated government differ seriously on matters such as the use of violence, and the place of whites in a post-apartheid South Africa. And the historical process has indeed seen many of the oppressed group seize some of the advantages to be had from the system. These individuals, including some homeland leaders, local councillors, policemen and soldiers had developed powerful vested interests in the apartheid state. So while there was an impressive cohesiveness among the victims of the regime, the process has certainly not been simply a uni-directional one.

Of course, it almost goes without saying that in the South African case, the dominant group decided at an early stage of the conflict; in 1910 (and this was again affirmed after 1948) on their blockage of the access of the majority, to the political institutions through which the latter might have sought redress. The demand for the franchise is probably the most salient aspect of the entire black struggle against white domination in South Africa. In this regard therefore, the nature of conflict in South Africa very closely approximates Azar's model.

Burton, the most prominent of the human needs theorists continually refers to South Africa as an example of a "deep-rooted", needs based social conflict. He stresses the need of white South Africans to ensure their basic security goals, and sees this as juxtaposed with the denial of black South Africans' identity, recognition and security needs (1984. 148, 1990: 17 - 31).

#### **5.4.3 Authoritarian Government in Social Conflict in South Africa**

The third cluster of variables providing the background conditions to Protracted Social Conflict are, according to Azar, related to the role of the state. He writes that: "... the level of satisfaction or deprivation of basic needs is generally influenced by the intervening or mediating role of the state. Indeed, an ideal state characterized by a fair and just mode of governance should be able to satisfy human needs regardless of communal or identity cleavages and provide communal harmony and social stability. In actuality,

however, this is rare. Most states which experience protracted social conflict tend to be characterized by incompetent, parochial, fragile and authoritarian governments that fail to satisfy basic human needs” (Azar,1989: 10).

The latter state of affairs certainly pertains in the South African example. As has been demonstrated above, the dominant communal group managed to capture the apparatus of the state and bend it towards its own purposes. This has meant the inability of the South African state to provide evenly distributed means of satisfaction of the basic human needs of most of its population. This situation is protracted by the limitations on access to political institutions in South Africa which has already been mentioned in 5.4.2 above. Azar goes on to say that “In most protracted social conflict-laden countries, policy capacity is limited by a rigid or fragile authority structure which prevents the state from responding to, and meeting, the needs of various constituents (Ibid.1989: 11).

The abovementioned circumstances very accurately encapsulate the condition of government in South Africa; poised on the brink of negotiations towards a more inclusive, democratic form of government. In its attempts to adapt to pressures, the apartheid system had led to the establishment of homeland administrative apparatus, as well as legislative tricameralism in the common areas, with its triplication of state departments and the difficult distinctions between "own," and "general" affairs. Yet this top-heavy and rigid system left a huge number of South Africans stranded in an administrative limbo, which was incapable of providing them with the minimum levels of human needs satisfaction, even in the period after 2 February 1990, when their claims upon such services would have been regarded by the government as justified. Most of the structures which had been designed to administer the affairs of black South Africans were either, non-elected, or were elected by unrepresentative proportions of the population, simply because the underlying structure was regarded as unrepresentative. Most of the authorities did not behave in an accountable manner. The results were that increasingly, there were crises around education, health care, and transportation infrastructure, despite spiralling levels of taxation. Levels of corruption throughout the civil service were also extremely high, due to the lack of accountability and crisis of

legitimacy. On this third measure, South Africa again accords strongly with the model of protracted social conflict.

#### **5.4.4 Dependency in South Africa's Foreign Relations**

Protracted Social Conflict is not simply the result of domestic political relationships. The fourth cluster of variables contributing towards the genesis of protracted social conflict is associated with the foreign relations of the conflict ridden state. According to Azar, one of the contributing factors is to be found in foreign relationships characterized by economic dependency and/or political or military cliency. According to Azar, economic dependency "... not only limits the autonomy of the state, but also distorts the pattern of economic development impeding the satisfaction of security needs. Moreover, dependency often exacerbates denial of the access needs of communal groups, distorting domestic political and economic systems through the realignment of subtle coalitions of international capital, domestic capital, and the state (Azar, 1989:).

Although South Africa is not an economically poverty-stricken state such is typical of many of the Third World states which Azar refers to, it is, nevertheless economically dependent in many respects. It is well-known that that the South African economy is a particularly open one, in that it is highly dependent on imports and exports (Magyar, 1989: 205, 227). Historically, it has depended on economic relationships with its colonial power, Great Britain, and in more recent times, it has also demonstrated great dependence in its need for foreign capital investment.

Typically of many Third World states, South Africa is also heavily dependent on its exports of primary products. In this regard, the extraction and export of minerals, particularly gold, are extremely important. Exporters of primary products are particularly vulnerable to fluctuations in market prices, and the generally declining terms of trade for such exports. South Africa also falls fairly squarely within the category of states known as the semi-periphery within the dependency model of Wallerstein (McGowan, 1993). This means that while South Africa is largely a part of the poorer periphery, it has



elements of the core economy within its borders. The core elements tend to economically exploit the periphery, not only within South Africa, but also in the surrounding states.

In this sense then, South Africa was a good example of the model which Azar has developed, as the dominant white inhabitants, representing domestic capital, had clearly aligned themselves with international capital, generally at the expense of even economic development within the country. The second factor, mentioned by Azar; that of military, or political cliency, has also been of importance in the South African context. A version of this facet of protracted social conflict has also been recognised by Burton, and is largely the subject of his work: *Global Conflict; The Domestic Sources of International Crisis* (1984). According to Azar: "In a client relationship, the patron provides protection for the client state in return for the latter's loyalty and obedience involves some sacrifice of autonomy and independence, which induces the client state to pursue both domestic and foreign policies disjoined from, or contrary to the needs of its own public (Ibid., 1989: 11).

The South African case is a special variant of the situation. The South African government has, in its foreign relations, traditionally identified with Western states. Historically, it has inherited a close relationship with Britain, while it has also pursued closer relationships with the United States of America and the states of Europe. Especially important to the National Party government were two core values. Firstly, they claimed to identify strongly with certain western cultural values (*Die Westerlike-Christelike beskawingserfinis*)<sup>123</sup>, and secondly they supported the anti-communist stance of the western states. This orientation led them to continually seek alliances with western states. They attempted to join NATO, for instance and upon finding it impossible have attempted, on a number of occasions, to form a South Atlantic Treaty organisation, opposed to communist expansionism (Geldenhuys, 1977, Vale,

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123 Ironically, the Nationalist Government, while continually claiming cultural affinity with these Western values, consistently failed to live up to the political values of the postwar Western governments, with regard to issues such as human rights and universal adult franchise, etc.

1977)<sup>124</sup>. Naturally enough, in their turn, disenfranchised black South Africans sought assistance from the international community of states in general. The communist-bloc states, with their ideological commitment to egalitarianism, were forthcoming with assistance in the supply of military equipment and with military training.

Understandably, assistance was also given to the South African liberation movements by the emerging African states as they achieved their own independence. In this way the South African liberation movements managed to secure bases ever closer to the borders of South Africa, as Zimbabwe and the Portuguese colonies achieved their independence.

It should be mentioned that the South African government was not very successful in its aims, in the sense that the West never openly formed an alliance with it. The domestic policies of apartheid were too repulsive to western states to allow this, and the post-war diplomatic history of South African relations with the West is a history of loosening of historical bonds, such as the Simonstown agreement. But their strategic, anti-communist interests led to the equivocation of the western states regarding the application of international sanctions against South Africa for many years. In this regard, it was generally the vetoes of Britain, the United States and France in the Security Council of the United Nations, which prevented the application of such sanctions.

In this way the Republic of South Africa became the self appointed protector of western interests and agent of anti-communism in Southern Africa, and the internal opposition to the government was identified with communist expansionism. The idea of the "Total Onslaught" against South Africa was born in the minds of its leaders. They perceived a plot, hatched by the Soviet Union, and aided and abetted by the states of the West (unaware, one

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124 The technical requirements for NATO membership include a geographical location North of the Tropic of Cancer, which of course immediately excluded South Africa. Attempts to form alliances in the Southern hemisphere were focused on Latin American states with right-wing governments.

assumes, of their real interests) and Africa, to bring about the destruction of South Africa. This attack had to be opposed with a Total National Strategy<sup>125</sup> (Grundy. 1983: 3 -6, Geldenhuys, 1984: 37.38). One of the main goals of the South African economy, as it was directed by the government, became to serve the military, whose profile in state decision-making loomed ever larger, through the agency of the State Security Council, and the National Security Management System.

Under the leadership of P.W. Botha, a former Minister of Defence , the military establishment became increasingly influential (Grundy, 1983: 12 - 18). South Africa became militarily involved in Angola, opposing the Marxist-oriented MPLA government. In Mozambique, it supported RENAMO, against the Marxist FRELIMO government. South Africa's military involvements did not end here, however. It attacked most of its neighbouring states at one time or another (Johnson and Martin, 1986). In this way, the opposing tendencies in the South African conflict involved international patrons, even if such patrons were sometimes embarrassed by the policies of their clients, and the conflict in South Africa acquired an international, Cold-War dimension. Burton, looking at the situation from an "outside-in" perspective captures the situation nicely when he writes the following: "Our international problems are a spillover of domestic problems. Universally, we are fearful of the survival of our political systems. Leaders are fearful of their own role survival, privileged groups are defensive of their own positions in their types of society. Competing systems, alien philosophies, no matter what their attributes, are perceived as a threat to each other, not because the authorities in each threaten each other, but because each feels threatened by its own failings. This is conspicuously so of patently unstable societies such as South Africa, and societies around the world which would not survive without external support." (Burton. 1984: 13).

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125 The Term "Total National Strategy" was first mentioned in the 1977 White Paper on Defence and Armaments Supply. See Evans and Philips (1988) and Frankel (1984) for a fuller account of the development of the "Total National Strategy".

### **5.4.5 Process Dynamics**

While the simple fact of the existence of the abovementioned preconditions of protracted social conflict is a necessary condition of overt conflict behaviour, it is not also a sufficient condition. To follow Azar further, the activation of overt conflicts is dependent upon three clusters of variables. These are: communal actions and strategies, state actions and strategies, and lastly the built-in properties of conflict (1989).

#### **5.4.5.1 Communal Actions and Strategies**

According to Azar, the escalation of protracted social conflict might be triggered by what seems like a relatively trivial event, but one which becomes a turning point, involving the collective recognition of individual victimization. Collective recognition will normally result in collective protest. Such collective protest is then usually met in turn by some form of repression. As the conflict process develops, the communal groups concerned begin to bring their members' attention to a much broader range of issues, transcending the single, triggering event. At this point then: "The spillover of the event into multiple issues increases the momentum for organizing and mobilising resources" (Azar, 1989: 12). Victimized groups are then likely to mobilize and deploy a number of tactics, which might include "civil disobedience, guerrilla warfare or secessionist movements". As the state's power is normally greater than that of the suppressed groups, the latter will often seek military and/or economic assistance from external sources (Azar, 1989:12).

If one looks at the South African case during the post-second-world war period, the parallels between this situation and Azar's model are again quite striking. There have been a number of noteworthy escalations of the conflict into overt, or manifest conflictual behaviour. The most important of these have been the non-violent civil disobedience campaigns of the 1950's and early 1960's, the 1976 student revolt, and the insurrection of 1984 – 1986.

The 1950 programmes of action were the direct reaction of the oppressed people to the clusters of variables dealt with in sections 2.3.1 to 2.3.4 above. They were, however escalated by the event, not trivial in this case, of the

police shooting of protesters outside a police station at Sharpeville, in 1961. In the 1976 revolt, the triggering event was the insensitive handling by the state of the language issue at black schools; which some might regard as a trivial event. Again the state response was the shooting of youthful protesters, which exacerbated the entire situation, becoming a second triggering event. Yet again, in 1985, it was the shooting of blacks by police at Langa, which triggered mass revolt against the government around the country. The strategies of the oppressed have included massive civil disobedience which never proved effective (Daniel, 1978: 62 – 66). They resorted to guerrilla warfare after the banning of the SACP, ANC and PAC. They later resorted to attempts to make the country ungovernable, setting up alternative government structures, imposing their own disciplinary measures on inhabitants of black townships, damaging the economy through strike actions and consumer boycotts and the appeal to the international community to implement economic, sporting and cultural sanctions against the Republic of South Africa.

#### **5.4.5.2 State Actions and Strategies**

The second cluster of variables influencing the process dynamics in protracted social conflict would be the actions and strategies of the state. Although the conflict might be resolved, or simply kept latent by accommodationist state strategies, this is not the normal state reaction, because any compromise or accommodation might be construed as a sign of weakness. According to Azar, the state normally avoids accommodation and employs either coercive repression, or instrumental co-option.

States will typically use militant, hard-line strategies, which elicit similar responses from the repressed. The cooption of the opponents of the state is a much more sophisticated strategy, but because it is so often used at an extremely late stage, it is normally transparent and rejected by the groups which are the targets of incorporation. Azar perceptively points out that the failure of co-option usually results in a return to coercion on the part of the state.

The state will also typically attempt to contain the conflict within its national boundaries, but when it fails to do this, it will attempt to enlist its own external assistance. This further protracts the conflict (Azar, 1989:14). Again, even a cursory overview of the South African conflict reveals a striking resemblance to Azar's model. The National Party government continually swung between oppression, in the form of states of emergency, on the one hand, while trying to reform or modernise the system of apartheid in piecemeal fashion, on the other. All the while, it sought to enlist the support of the West and certain "pariah" states, against its enemies.<sup>126</sup>

#### **5.4.5.3 Conflict Dynamics**

The third influence upon the process dynamics of protracted social conflict, is what Azar calls the "built-in mechanisms of conflict" (Azar. 1989: 15). When conflicts are of long duration, the opposing parties begin to view each other in a "mirror image" fashion. Because communication is underdeveloped, or nearly non-existent between the rival parties, the fears and ideological belief-systems, as well as a history of conflict behaviours condition them, and lead them to attribute the worst possible motives to each other's actions. The negative mirror images which result from the process, help to perpetuate the conflict. Parties experiencing the stresses of continual conflict tend to develop a form of tunnel-vision, or "groupthink", and tend to overlook possible solutions to their conflict. When proposals for resolution are put forward, all parties tend to view them with suspicion as an attempt to undermine their own power. Again there is quite a close match between the South African situation and the model put forward by Azar, although in this case, it is not at all surprising, as this aspect of the model is simply the postulation of a set of

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126 Peter Vale (1977) considers South Africa's relations with pariah states, and its own status as a pariah state in international relations. According to his definition, the following are the essential features of the pariah state:

- Unremitting opposition by their regional enemies;
- growing isolation from the rest of the world;
- capacity for producing at least a modest number of crude nuclear weapons

and, following Betts (1977), he includes South Africa, Israel and Taiwan in his list of pariahs.

dynamics which are not peculiar to protracted social conflict, but which are common to most situations of social conflict.

It is still interesting to note, however, that in the South African case, both the ruling minority, and their opposition in South Africa viewed each other as anti-democratic and terroristic. Both sides had continually imputed the very worst motives to the other. Each has viewed the other as the enemy with which the people of South Africa are at war. Each has also regarded the other as having very little popular support. Once more the theory is borne out by a close examination of the case being studied.

#### **5.4.5.4 Outcome Analysis**

The final aspect of Azar's model of protracted social conflict concerns outcomes. One of the distinguishing factors of protracted social conflict is that it gives rise to negative-sum outcomes. Put differently, outcomes are lose-lose, as opposed to win-lose, or zero-sum. There are therefore no winners, and all parties suffer a degree of loss. Because protracted conflicts do not have "clear termination points", outcomes such as military victories or negotiated agreements, insofar as they fail to satisfy basic human needs, contain latent conflicts which in turn are the genesis of subsequent cycles of manifest conflict. These latter cycles of conflict often involve a shift or spillover in issues and actors (Azar, 1989: 15,16).

It is true that in South Africa's case, there have been a number of points in the development of the conflict, at which a casual observer might have predicted an "end" to the conflict. After the initial white conquest, after the crushing of the structures of protest in the nineteen-sixties, or the end of the rebellion in 1976, might be construed to have been such moments. Each time, however, there has been a resurgence of protest, and a broadening of the base, as well as an intensification of the protest behaviour of the majority.

The importance of this aspect of Azar's model, however, is not simply its instructiveness in respect of the past. The South African conflict clearly reached a critical moment, which many politicians and observers alike treated

as an outcome, even before the event - i.e. all-party negotiations to produce a democratic constitution for a "new" South Africa. Issues of human rights abuses were dealt with through the TRC process. A sense of "completion", or finality did indeed set in. In this regard, all would do well to heed Azar's warning about the continued protraction of the conflict after this "outcome"; albeit with some unexpected "shifts" and "spillovers".

## **5.5 Conclusion and Summary**

In this chapter, we have provided a very brief history of the South African political conflict. We have mapped out the conflict with regard to the main parties and issues. This examination of the South African socio-political conflict conforms to all of the major aspects of protracted, or deep-rooted social conflict as set out by its primary proponent, Edward Azar. Most obviously, the conflict is protracted in terms of its resistance to resolution over a long, historical period. There are numerous points of concurrence in respect to the communal content, basic human needs element, skewed governance, and internationalization of the conflict. In respect of the process dynamics of the conflict, the same is true, with communal actions and strategies, state actions and strategies, and conflict dynamics all meeting the expectations of the theory. Outcome analysis in respect of protracted social conflict is, by definition, never complete however, and we should therefore take Azar, and Burton's warnings seriously in thinking about the future of conflict in South Africa. Because the South African case conforms in a quite comprehensive way to the Protracted Social Conflict Model of Azar and the analytical conflict resolution school, we would expect that the South African case would therefore also conform to the expectations of this group of scholars, to the efforts to manage it, and the future development of this conflict. The situation is summarised in tabular form in table 5.1. below.



**Table 5.1: South Africa as an Example of Protracted Social Conflict**

<b>PROTRACTED SOCIAL CONFLICT</b>	<b>SOUTH AFRICA</b>
Communal Content	Conforms
Human Needs Elements	Conforms
Authoritarian Government	Conforms
Foreign relations dependency	Conforms
Communal actions	Conforms
State actions and strategies	Conforms
Outcome Analysis	Conforms

Because of their importance in enabling the negotiation process, and because of the significance attached to these resolution attempts, we will next examine the informal pre-negotiation activities to move South Africa towards negotiation, that took place in South Africa prior to 1990 in our following chapter.

## **CHAPTER SIX: PRE-NEGOTIATION, BACK-CHANNEL NEGOTIATIONS AND MEDIATION ATTEMPTS**

Once intergroup conflict has escalated to a high intensity, it is highly resistant to de-escalation and resolution because of solidifying mechanisms such as commitments to past actions and structural changes that support coercive strategies. Thus settlement procedures that work with low intensity conflict, such as fact-finding or conciliation, are impotent in the face of escalated, protracted conflict. It is therefore essential that innovative, creative means of analysis and resolution be developed and integrated in a complementary way with existing methods of conflict management.

Fisher (1997: 7)

### **6.1 Introduction**

This chapter focuses on various prenegotiation initiatives in the South African conflict management process, which helped prepare the ground for a negotiation process that had seemed extremely unlikely only a few short months previously. We begin by explaining the concept of pre-negotiation, and then to situate various activities that took place within the historical context of the South African process.

### **6.2 Prenegotiation**

Though it is obvious that there is some form of communication in many conflict management processes that precedes negotiation, it is not clear whether that is a part of the negotiation process, or something which is a prelude to, but distinct from negotiation (Zartman, 1989: 1). According to one of the leading scholars on the subject, "...prenegotiation is the span of time and activity in which the parties move from conflicting unilateral solutions for a mutual problem to a joint search for cooperative multilateral or joint solutions (Zartman, 1989: 4). Zartman asserts further that prenegotiation is essential; it

is a "...preparatory phase without which the negotiation would not have taken place."(1989:7).

During the decade of the eighties, there was a flurry of activity attempting to break the logjam in South Africa's conflict. Some of this activity, such as the work of the Commonwealth Eminent Persons Group (EPG), was highly public, and did not give observers much hope for success. Much of it was also covert, however, and was clearly instrumental in opening the way for the eventual first-track, substantive negotiations among all of the main parties to the conflict. These initiatives include back-channel negotiations with Nelson Mandela, the intervention by the Commonwealth EPG, the Idasa-sponsored Dakar meeting, businessmen meeting with the ANC in Lusaka, and prominent Afrikaners meeting with the ANC leadership in England. We will examine the most important of these initiatives in more detail below.

### **6.3 Back-channel negotiations: The role of Nelson Mandela**

As the struggle against apartheid proceeded, and the government of South Africa realized the limitations of apartheid, and as they attempted to modernize apartheid, they addressed a number of possibilities to escape their dilemma. One of their concerns was to find credible black leadership to endorse their ideas of reformed apartheid, power sharing, pseudo-corporatist solutions to their problem. For some time, they believed that the homeland leaders might provide them with credible negotiating partners, particularly the Chief Minister of the Kwa Zulu homeland, but even Buthelezi, and other "moderate" internal leadership were unwilling to accept a dispensation that excluded the participation of the broad-based liberation movements. One of the assets that the government believed that it had, was Nelson Mandela. They believed that he was a reasonable option for their purposes, and considered releasing him, under certain provisos, most importantly, that he forswear the use of violent struggle. The government could not get him to make such independent concessions, outside of the decision-making context of the ANC, however. Of ongoing concern to the government was the possibility that the ageing and increasingly fragile Mandela would die in prison, providing an iconic martyr for the struggle against apartheid. The

government hoped that they could co-opt Mandela and isolate him from the more hawkish elements in the ANC and thereby split the organization to their own advantage. The prisoner was therefore moved from the Robben Island prison, to Pollsmoor prison, as early as March 1982 (Sparks, 1994: 22), and later (1984) to a special wing where it would be easier to arrange discussions with him without attracting undue attention. From May 1988, a government negotiating team held regular meetings with Mandela (Barber, 1999: 265).

Mandela insisted that any discussions with him were purely in his personal capacity, and that he could not participate in any formal discussions unless he was free, and the leadership of the liberation movement was allowed to participate in normal political activity in South Africa.

Periodic discussions took place between Mandela and some of his captors; most notably with Kobie Coetsee, the Minister of Justice. Through his communications with his lawyer, George Bizos, Mandela also managed to remain in contact with the ANC leadership in exile, enabling him to make certain that he could follow the party line, and also keep his colleagues apprised of the thinking of his gaolers, and assure them that he had not “sold out” to the government (Sparks, 1994: 26 – 33).

The visit of the Commonwealth EPG, and the realization of the support for a negotiated solution, galvanized Mandela into seeking a meeting with the State President. He was allowed to meet again with Kobie Coetsee, who set up a special committee consisting of himself, Neil Barnard, the Head of the National Intelligence Service, and his deputy, Mike Louw, the director of the Prisons Department, Fanus van der Merwe, and Commissioner of prisons Willemse to broaden the discussions with Mandela. According to Mandela’s diary, there were altogether forty-seven such meetings (Sparks, 1994: 36).

In July 1989, Mandela met with President Botha himself at Tuynhuis, the State President’s residence. Although mainly a social meeting, Botha wanted Mandela to publicly renounce violence in return for his freedom, while Mandela requested Botha to release all political prisoners. Neither leader was

able to oblige. The meeting which had by Mandela's own account been very cordial, was therefore inconclusive, but was nevertheless of major symbolic importance (Barber, 1999: 265). As the content of the meetings was reported back to the ANC leadership in exile via Bizos, the various meetings with Mandela served the important function of informing that leadership of the real interest that the NP Government had in negotiation.

#### **6.4 Mediation in the South African Conflict: The role of the Commonwealth EPG**

After the rise in unrest as a result of the UDM's rejection of the reforms of P.W. Botha that led to the establishment of the tricameral parliament, but which still excluded African South Africans from the political process, and Botha's "Rubicon" speech, which disappointed all those who had hoped for a decisive step by the South African president, the situation in South Africa moved up the agendas of a number of countries. It became the subject of activity in international organizations, such as the United Nations and the Commonwealth, and arguments were made in these forums for increasing pressure to be put on the South African government to end apartheid.

At a Commonwealth meeting in Nassau, in the Bahamas, a resolution, "The Commonwealth Accord" was taken on 20 October 1985, to increase pressure on the South African government. Two clauses of the Accord established a mission; a group of "...eminent Commonwealth persons to encourage through all practicable ways the evolution of that necessary process of political dialogue." (Fraser et al, 1986: 143, Barber, 1999:250, 251). The EPG is interpreted by some as a compromise by the Commonwealth, designed to persuade British Prime Minister Thatcher, who was ardently opposed to sanctions against South Africa, to support the more stringent elements of the Nassau Accord, intended to pressurize the South African government into ending apartheid (Sparks, 1994:33).

The Commonwealth EPG made contact with the South African government, explaining their mission, and were accordingly invited, by a letter from the State President, to the country, on the understanding that the government was

supportive of any initiative that would promote a peaceful reform process in the country (Botha, 1985). According to Barber (1999: 251), there had been a personal appeal from the British Prime Minister to President Botha to accept the initiative.

The EPG arrived in South Africa in February 1986, and met with almost all the political groupings, inside and outside the country, as well as with the churches and the business community. Meetings were also held with Nelson Mandela, at that stage, still a political prisoner (Fraser et al 1986). Essentially, they were exploring what it would take to get negotiations among the political protagonists off the ground.

What became clear in the course of their visit, was that while there was room for genuine dialogue in South Africa, almost all the groups believed that it was the South African government that was blocking the way to political transformation (Fraser et al, 1986: 79 – 100). While the government blamed violence on its political opponents, it seemed blind to the violent nature of apartheid and the fact that the violence of its opponents was mostly reactive, and a form of self-defence.

In March, 1986, the EPG was “...satisfied that the ground existed on the basis of which a negotiated solution to South Africa’s problems could be attempted if there was the necessary political will among all concerned.”(Fraser et. al. 1986: 101). When it put the proposal to the South African government, under a covering letter to Chris Heunis, Minister of Constitutional Development and Planning, on 13 March, 1986 of a “possible negotiating concept”, there was no immediate response. The concept required the government to:

- Remove the military from the townships, and provide for freedom of assembly and discussion, and suspend detention without trial
- Release political prisoners and detainees, including Nelson Mandela.
- Unban the ANC and PAC and permit normal political activity.<sup>127</sup>

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<sup>127</sup> The elements of this negotiating concept anticipate a leitmotiv that characterizes much of the pre-negotiation activity to follow. These elements, reflecting the whites’ concern with violence, and the struggle parties’ need for free political activity, the freeing of jailed leaders,

In exchange, it was proposed the ANC and others should enter negotiations and suspend violence. It was pointed out by the EPG that the concept was not very far removed from the government's own stated intentions.

The EPG engaged the government and all other parties on the issues in its negotiating concept, but found the government sticking on the issue of violence – requiring the liberation movements to “renounce” violence, rather than “suspend” it, before it would accept the proposal.

The EPG seemed to wish to play a more substantial mediating role in the South African problem, as they saw it, and suggested to the government and other parties that they were prepared to serve a further purpose in the process<sup>128</sup>. The South African government, through the medium of a letter (24 April, 1985) from the Foreign Minister, invited the EPG to “exchange views” on how to proceed further.

The EPG decided to return to South Africa, to elicit more specific responses by the South African parties to its “negotiating concept”. When it arrived in May, there had been an apparent hardening of the position of the South African government. The President made a speech to the President's Council on 15 May, in which he warned against interference in the South African situation by outside bodies (Fraser, et al 1986: 111). The EPG were again allowed to meet with Mandela, who indicated his eagerness to see the end of violence, but reiterated the importance of removing military forces from the

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and the ending of the state of emergency and its implications are the subject of much of the discussion in Dakar, Mandela's discussions with his gaolers, the Mells meetings, are reflected in the Harare declaration, and are finally addressed at the Constantia and Pretoria minutes.

<sup>128</sup> On a number of occasions the EPG alludes to a future role that it might play. For instance, in a covering letter to their proposal on the “negotiating concept”, dated 13 March 1986, and addressed to Ministers Heunis and Botha, the EPG suggested that “If the Government believed that there was some future role for the Group we stood ‘ready to advance the course of negotiations’” (Fraser, et al 1986: 104). See also the letter dated 1 May 1986 from the EPG to Foreign Minister Botha (As cited in Fraser et al, 1986: 109) “We are encouraged that the South African Government sees constructive possibilities in the negotiating concept which we left with you and minister Heunis at the conclusion of our visit to South Africa *and by the continuing role that we might be able to play in its furtherance.*” (My italics)

townships, and the establishment of conditions for normal political activity in the country. The group next visited the exiled ANC leadership in Lusaka (17 May), and internal groups including the UDF and COSATU on 18 May. They were scheduled to meet with the Cabinet Constitutional Committee on 19 May. Immediately before the meeting, the SABC reported raids on ANC bases in Harare, Gabarone and Lusaka. These were all Commonwealth countries, and the attacks were widely interpreted as a signal to the EPG. At the Cabinet Committee meeting, the EPG stressed the fact that they had not yet received an answer to their negotiating concept. Finally, on 29 May, after having left South Africa, the EPG received a letter from Foreign Minister Botha, asserting the problem around the issue of renunciation of violence, and ongoing intimidation in the country. It also clearly stated that it was "...not interested in negotiation about a transfer of power.", that any future negotiation would have to be about power sharing.", and the EPG were invited to pursue discussions along those lines, which invitation, they felt they had to decline. The EPG then sent a communiqué to all the Heads of Government of the Commonwealth, stating that "...further talks would not lead anywhere in the current circumstances." (Fraser, et al 1986: 125). They went on to write: "The Nassau Accord asked for the initiation, in the context of a suspension of violence on all sides, a process of dialogue across lines of colour, politics and religion, with a view to establishing a non-racial and representative government. As we have described, there is no such prospect in view." (Ibid: 125, Zartman, 1989: 4).

#### **6.4.1 Implications of the EPG**

The EPG mission represents the closest we come in the South African transformation, to the role of a mediator. For a while the group conducted shuttle diplomacy among the parties to the South African conflict, in the clear belief that the prospects for negotiations were good, and that they had a continuing role to play in that process.

The EPG did bring the government very close to accepting a negotiating process, but it was still insisting on negotiating on its own terms, the sharing of



power. Clearly also, the government was not comfortable with an outside party playing a role in the South African conflict.

According to Sparks (1994: 35 – 36), one of the important effects of the EPG was to convince Mandela, with whom it met on three separate occasions, that there was widespread support for negotiations and that sufficient common ground for an agreement was available. This prompted Mandela to seek a meeting with P.W. Botha, and the NIS officials and the Minister of Justice who could make that happen.

## **6.5 Interactive Conflict Resolution in the South African Settlement**

### **6.5.1 Introduction:**

The weight of critical opinion on the South African Conflict indicated much doubt about the possibility of successful negotiations. We have indicated above, the extent to which specialists expressed doubt about the possibility of negotiation, right up to the time of de Klerk's announcement indicating the government's intention to release Mandela, end the state of emergency, legalize the liberation movements and embark on negotiations. According to theorists on conflict resolution, we have already shown how cases of deep-rooted social conflict are not expected, in terms of the theory to be susceptible to standard negotiated outcomes.

Narratives of the South African transition largely reflect the thinking of political realist scholars who stress aspects relating to the balance of power, that in retrospect are able to show that the parties to the conflict were so evenly balanced, that a victory for either side was regarded as extremely unlikely. Rational calculations purportedly therefore drew both parties to the unavoidable conclusion that negotiation and compromise were the only available options.

Fortuitously, South Africa was also blessed with political leadership on both sides of the divide, who were able to make these rational calculations, and

also take their constituencies with them. Therein largely lies the explanation for the South African miracle, as presented by the proponents of *realpolitik*<sup>129</sup>.

According to the analytical conflict resolution school, there should be no successful negotiated resolution without at least some form of specialist intervention, what some would term pre-negotiation, or second-track processes, in which the conflict is analysed from a human needs perspective, and the security and identity needs of all parties addressed through problem-solving workshops<sup>130</sup>. The history of the South African transition hardly makes mention of any such activity, however. By its very nature, though, these forms of intervention into deep-rooted social conflict must take place while parties are not ready to formally acknowledge each other, still less, enter into negotiation with each other. Therefore, such intervention activities must of needs be quite secretive, and that probably explains why history does not always accord them their due recognition.

This seems to be the case in South Africa. A number of informal, “track two” interventions did in fact take place. Some such as the Dakar meeting, were widely reported at the time, and met with largely negative publicity in South Africa. The Dakar initiative has subsequently not been accorded the recognition that it probably deserves, however. One of the participants, Max du Preez (2003: 164) confirms this when he writes that many respected books on the South African transition, including Alistair Sparks’ histories, hardly take any note of the meeting in Dakar. However, for reasons that we are yet to mention, it was probably quite important in the eventual outcome of the South African process.

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<sup>129</sup> See for instance Du Toit (1989) in this regard. According to his view, for bargaining about bargaining (ie Prenegotiation) to take place, a self-negating prediction had to have taken hold among the leadership on both sides. They have to see the conflict in non-zero-sum terms, and understand their mutual dependency. Borrowing from Lijphart (1977) he writes as follows: “The self-negating prediction involves an awareness the destructive potential of deeply divided societies, which motivates elites to cooperate with one another in order to avert such conflict.” (212-213).

<sup>130</sup> See for instance, the quote by Fisher at the head of this chapter.

If the Dakar process was well reported at the time, this was certainly not true of the meetings held at Mells, near the city of Bath in the United Kingdom. These were highly secretive at the time and have drawn hardly any scholarly comment since. Even in the conflict literature, it is only Lieberfeld (2002, 2005) and Kruger (1998) who seem to have made a concerted effort to study them. In respect of the historical narratives of the South African transition, it is only Sparks (1994) who has devoted any real attention to them, although there are good reasons for believing that once again, these initiatives might have been quite influential in bringing the parties into a first track negotiation process.

The fact that these processes have been afforded such scant attention underlines the emphasis that is generally placed on first track events, and formal agreements and decisions, almost to the exclusion of other aspects of the multi-level, multi-issue process that is South Africa's political transition.

The number of meetings that might be labeled as pre-negotiation initiatives in the South African case is quite large. According to Daniel Lieberfeld, several dozen took place between 1985 and 1990. Many of these would not have properly qualified as second track, however, as the participants, in some cases, were not from adversary groups (for instance, the ANC met with a number of supportive organizations) or because specific political solutions were not actually debated in those meetings. The South African government's talks with other anti-apartheid organizations also do not merit the definition, as these were efforts to bypass its main opponent, the ANC (Lieberfeld, 2002: 356).

Rather, only three different initiatives properly fall into the category of pre-negotiation initiatives; these were the 1985 meeting between South African business leaders and the ANC in Zambia, the 1987 meeting in Dakar between ANC leadership and a number of dissident Afrikaner leaders, and perhaps, most importantly, the series of covert meetings in England, between prominent Afrikaner intellectuals with strong links to government, and senior ANC leadership, which we are calling the Mells meetings. This is not to deny

the obvious usefulness of the discussions with Mandela and meetings with other prominent figures at the time.

### **6.5.2 Early Efforts**

There was much activity at the time, aimed at exploring the possibility of negotiations between the South African Government and the ANC, as well as a number of failed attempts to establish second track diplomatic initiatives, that form a backdrop to the more important second track initiatives considered in detail here, that deserve some mention.

As unrest levels in South Africa grew, a fortuitous meeting between Piet de Lange, then chairman of the secretive and powerful Broederbond, and Thabo Mbeki took place on Long Island, New York, in 1986. Unplanned, the initial meeting was followed by a lunch meeting the next day. The two discussed the South African situation, and de Lange made it clear that leading Afrikaner intellectuals were ready for change, as long as they could be convinced that their cultural identity and economic positions would remain secure. Mbeki conveyed this message to ANC leader, Oliver Tambo. De Lange committed himself to working towards interracial contact, that he saw as lacking and contributing towards mistrust between the races in South Africa. He demonstrated his commitment, where Mbeki was concerned when, some months later, he resigned his position as rector of the Rand Afrikaans University, to embark on the promotion of “interracial understanding” (Sparks, 1994:71 – 75). De Lange was close to P.W. Botha, and in a position to communicate to him, a more favourable image of the ANC leadership.

Certain prominent Afrikaners, with close links to government, including Sampie Terreblanche and Willie Esterhuyse, two professors at Stellenbosch University, were also approached by H.W. van der Merwe, a Quaker and South Africa’s pioneer conflict resolution specialist. Knowledgeable of Burton and his work, van der Merwe attempted at the request of ANC leaders, to arrange meetings between them and Afrikaner intellectuals, outside of South Africa. These initiatives, viewed explicitly as Second Track diplomacy by van der Merwe, were crushed by P.W. Botha, who was informed about them, and

forbade them to proceed, stating that he would not allow them to talk to “murderers” (van der Merwe, 2000: 143, Sparks, 1994: 76). A group of Afrikaner students at Stellenbosch University was also approached in similar fashion, at the behest of the ANC, and this time had their passports withdrawn, by the state, when news of their planned meeting was splashed in the press. Van der Merwe was of the opinion that the state’s reaction against the students was instrumental in gaining them sympathy from the general white South African public, and that in the long run, this contributed towards a growing feeling in support of talks with the ANC. The publicity also led to a series of discussions with black student leaders at home, concerning the future of South Africa.

As President P.W. Botha’s political reforms drew more concerted resistance from the majority, and it became clear that the general political situation in the country was deteriorating; that the government’s ability to impose a unilateral solution was as unlikely to succeed as was the likelihood of the ANC to overthrow apartheid by force, so the idea of negotiations was mooted by a number of different sources in the country, though officially rejected by both the main protagonists to the conflict.

After President Botha’s recalcitrant display at the National Party congress in Durban in August 1985 (Zartman, 1989: 4), which became known as the “Rubicon” speech, big business became especially concerned about the future stability of the country, especially as the popular image of the ANC among white South Africans was that it was a communist organization in favour of large scale nationalisation of industry. It was in this context that groups of individuals began to seek exploratory discussions with the ANC. According to van der Merwe, approximately two dozen delegations of “...businessmen, academics, church leaders and others met with the ANC in Lusaka during this period.” (2000:149). Most prominent among these, was the group of business leaders that went to meet the ANC leadership in Lusaka.

### **6.5.3 South African Business Leaders in Lusaka**

As the crisis in South Africa deepened, a meeting was organized between business leaders and journalists from South Africa, and five high-ranking ANC officials, in Lusaka. Organized by President Kaunda of Zambia and Hugh Murrery, editor of *Leadership SA*, a business magazine. The meeting took place two months after the government's state of emergency was declared. Business was particularly concerned about the consequences to industry of the possible cutting off of the foreign capital that funded much of their operations. Anglo American in particular, also feared that a future ANC government of South Africa might nationalize the mining industry, in line with its socialist agenda.

The internal group was led by the chairman of Anglo-American, Gavin Relly. Other members of the group included Peter Sorour, chief executive of the South Africa Foundation, Zac de Beer, a director of Anglo-American, and Tony Bloom, chief executive of Premier Milling. On the ANC side were Oliver Tambo, Chris Hani, James Stuart, Pallo Jordan and Thabo Mbeki (Lieberfeld, 2002).

The meeting was chaired by Zambian President Kaunda at his presidential lodge. As facilitator, he stressed that it was not possible for decisions to be taken at the workshop. The aim of the meeting was rather, to achieve mutual learning among the participants. Proceedings were quite informal, with seating arrangements, at Tambo's insistence, intermingled, rather than representing oppositional groups (Waldmeir, 1997:73 – 75).

The subjects of discussion included matters of concern to the business delegation, such as the issue of possible state control of industry by a future ANC government, the commitment of the ANC to its armed struggle, and constitutional safeguards for minority groups in a future democracy. Although there were differences between the two groups on all of the important issues, there were a number of positive outcomes. The South African businessmen were surprised at the cordial nature of the exchanges, and expressed their belief that the ANC leaders were people with whom negotiation could take

place. In the ANC, Mbeki subsequently concentrated on further contacts with white South Africans, and along with Pallo Jordan, and James Stuart, who were also participants, he formed a subcommittee of the ANC National Executive on negotiations and constitutional guidelines. In this way, the talks with businessmen therefore resulted in a renewed focus on constitutional issues. They also legitimized contact with the ANC, which had been rejected by the South African corporate and liberal establishment to that date.

#### **6.5.4 The Meeting in Dakar.**

Against this background, the Institute for a Democratic Alternative in South Africa arranged a meeting between critically-minded Afrikaner South Africans and ANC leaders in Dakar, in August, 1987<sup>131</sup>. The stated reason was to emphasise the need for “urgent, genuine” negotiations, given “...our own ever-deepening concern about the direction South Africa was taking, and in particular, the escalation of violence with its long list of victims” (Boraine, 1987:3). The Afrikaner delegation, which consisted of individuals who were generally in favour of negotiations with the ANC, was led by Frederik van Zyl Slabbert, consisted of sixty-one participants, and was of three-days duration (Sparks, 1994: 86, Lieberfeld, 2002:363).

The Dakar conference was co-chaired by Van Zyl Slabbert and Thabo Mbeki. According to Boraine (1987: 3) four principal topics were discussed. These were: “Strategies for bringing about fundamental change in South Africa; The building of national unity; Perspectives with regard to the structures of the government of a free South Africa, and the economy of a liberated South Africa”. ANC members at the meeting stressed the common South African identity, of blacks and whites, used the Afrikaans language, and knowledge of the culture to underline their commitment to the sensitive issue. According to Prof Andre Brink, one of the delegates, “Basic to the exchange of ideas was the acknowledgement of us all as South Africans”. “There never was a sentiment of us and them” (1987:6). A number of the “internal” party were

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<sup>131</sup> This was the first of a number of similar meetings, to discuss burning issues, such as the role of law and constitutionalism in a future, democratic South Africa, some of which took place in Lusaka, and others in France and West Germany.

impressed by the high standard of debate that took place among the delegates, and the broad agreement in favour of universal adult franchise in a unitary state (du Plessis, 1987: 8). Andre du Pisani, a political scientist, and expert on problem-solving workshops, who accompanied the group concurs, stating that for him, the experience "... undoubtedly served to break the veil of ignorance on both sides and broaden understandings" (1987:10). It became evident that despite the power of apartheid, rational debate among opponents was still possible. The meeting served to clarify positions and dispel misperceptions. It explored the space for future negotiations and bargaining politics" (du Pisani, 1987: 10). Any belief that the ANC was not prepared to negotiate was dispelled, and certain important aspects of the future vision of the ANC were explained, namely that South Africa would be a unitary country, multiparty elections and a bill of rights would be part of the political landscape, a mixed economy was envisaged, and nationalization would only take place where it could create wealth and jobs (Mitchell, 1987: 21). These were all positions that served to allay the fears that whites had harbored concerning their previously held stereotypical view of the ANC as a communist organization. As Schlemmer (1991: 21) put it, the initiative "...weakened the stigma of demonic intent in the ANC, which white sentiment and government propaganda had created and also helped to establish the idea of negotiation with the ANC as normal and necessary."

Between sessions, relationship-building took place in the social contexts, such as at the hotel bar, etc. The participants issued a joint declaration calling for negotiation, and identifying the government as the principal obstacle in the way of that option. The white delegation ended up supporting many of the ANC's positions, including the call for an unconditional release of political prisoners. It was felt that the ANC were better prepared for the exercise than the Afrikaner delegation, and, to some extent, capable of bending them to their purposes (Lieberfeld, 2002: 364).

#### **6.5.5 The Mells Meetings**

Our next focus is on a series of twelve meetings that was held in the United Kingdom, between a group of Elite Afrikaners and ANC leadership in exile.



The meetings took place between late 1987, and February 1990, with follow-up meetings also held thereafter. Although the first meeting was held at a hotel in Henley on Thames<sup>132</sup>, and the second at the Eastwell Manor Hotel in Kent, all the subsequent meetings were held at secluded Mells Park House on a Consgold Estate in the village of Mells near the city of Bath.

This set of meetings was organized by executives of a British mining company; Consolidated Goldfields (Consgold), with major interests in South Africa<sup>133</sup>. As a result of discussions with Oliver Tambo, the president of the ANC, who had requested British businessmen to attempt to arrange meetings with influential Afrikaner leadership (who they referred to as Broederbonders), Michael Young of Consgold approached Fleur de Villiers, a South African journalist, who put him in touch with Willie Esterhuyse, a political philosopher at the University of Stellenbosch, and Sampie Terreblanche, an economic historian at the university. de Villiers, who had previously received some conflict resolution training from the Harvard Negotiation Project, was emphatic that any contacts with the ANC be kept secret, to avoid position-taking, that might affect trust-building between the parties. She also insisted that talks not be with liberal opponents of the government, but rather with those who had the trust of the inner circle of National Party leadership (Lieberfeld, 2005: 4).

Esterhuyse was known to be close to P.W. Botha (to whom he had been political advisor), and therefore sufficiently influential to participate in informal meetings with the ANC. Among subsequent participants to these meetings were Wimpie de Klerk, brother of the cabinet minister and man who would become President, and Willie Breytenbach. De Klerk was editor of Die

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132 This is according to Sparks' version. Kruger has it as taking place in Marlowe, according to his discussion with Esterhuyse.

133 This conforms to a pattern that was established with the role of business (Ford Foundation) in setting up the long island meeting which brought Mbeki and De Lange into contact with each other, the involvement of businessmen in exploratory talks with the ANC in Zambia, and the subsequent involvement of business in facilitating the National Peace Accord and the Negotiation Process itself.

Transvaler, a National Party supporting newspaper, and Breytenbach had worked for the Minister of Constitutional Affairs, and been secretary of the state security council (Lieberfeld, 2005: 5). Altogether, approximately twenty prominent Afrikaners attended these meetings which were held at four-monthly intervals. They included, among other participants, Attie du Plessis, brother of South African Finance Minister Barend du Plessis, Mof Terreblanche, one of P.W. Botha's closest friends, and Ebbe Domisse, editor of *Die Burger*, the most prominent of the National Party supporting newspapers. Dawie de Villiers, Minister of Mineral and Energy Affairs attended the final meeting (Sparks, 1994: 80 – 87).

On the ANC side, Thabo Mbeki, Aziz Pahad, Harold Wolpe, Jacob Zuma (ANC head of intelligence), Joe Nhlanhla (ANC intelligence) were among the regular participants. Lieberfeld correctly makes the point that, given the official standing of the ANC participants, these meetings would more accurately be termed “track one and a half”, than track two<sup>134</sup>. The ANC participants did stress the fact that they were present in their personal, as opposed to official capacities, however.

#### **6.5.5.1 Meeting structure and substance**

The three-day meetings were structured with formal sessions and a set agenda on two days – normally the Saturday and Sunday, that followed an evening meal on the Friday evenings. Michael Young chaired these sessions which would cover topics such as political developments in South Africa, international pressures and sanctions, the South African economy, the possible release of Mandela, and how to address the worsening racial conflict in the country (Sparks, 1994: ). Initially the ANC delegation was led by Aziz Pahad, but as from the second meeting, Thabo Mbeki assumed leadership.

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<sup>134</sup> “Track one” referring to discussions involving actual political representatives, or leaders of specific parties; actual decision-makers while “track two” refers to influentials who are able to influence those decision-makers. “Track-one-and-a-half” then points to the fact that these talks take place between two delegations of differential status.

Even before the first meeting, Esterhuysen was approached by the South African National Intelligence Service, who requested him to report back to them, which he consented to do, provided that he be allowed to inform the ANC about these reports. Mbeki and ANC President Tambo actually encouraged Esterhuysen's reports to the NIS, as it provided a direct link to the government with which they intended to negotiate (Lieberfeld, 2005:8, Waldmeir, 1997: 77).

There was much time between sessions, when the participants would be able to exchange views informally, without any facilitation, whether in fireside chats, at the bar, or walks in the grounds. It was often at these times, according to Sparks, that some of the very important communication took place (1994: 83, Waldmeir, 1997: 79).

The substance of these meetings was different from that at Dakar. As opposed to simply dealing with "white fears", these meetings, from the very outset, were focused on seeking ways to satisfy each others' preconditions for official talks, what the agenda for such talks might be, and how much common ground could be found for an official agreement (Lieberfeld, 2005: 9). These were true "talks about talks" in the proper sense of the phrase.

The participants found themselves discussing ways of giving effect to the ANC's demand for the release of political prisoners. It was reported to the ANC, that the government would begin by releasing Govan Mbeki, as something of a test case, but wanted assurances in return that such an action would not be devalued by the ANC's "moving the goal posts" or other negative responses. It was communicated that if the release of the elder Mbeki met with a positive response from the ANC, the government might agree to the release of Mandela and the legalization of the ANC.<sup>135</sup>

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<sup>135</sup> In the event, the government released Govan Mbeki three days after the first meeting in England.

According to Esterhuysen, a major goal of these prenegotiation meetings was for the parties to get clarity on different positions (Lieberfeld, 2005:9).

The metaphor of being a bridge was used, and Wimpie de Klerk spoke about these sessions being “mock negotiations” The participants had been told that they were to convey messages to their “constituencies” at home (Sparks, 1994: 80).

The Afrikaner group asked whether the ANC would suspend its armed struggle, and bring an end to its sanctions campaign. What was remarkable, was the extent to which the groups discussed so many of the issues that were eventually raised at the official negotiations, including the idea of establishing a government of national unity. According to Lieberfeld: “Through semi-official talks each side established that its bottom-line prerequisites for official negotiation would be met. State leaders required assurance that the Afrikaners’ national existence would not be threatened, that their cultural rights and economic power would be protected, and that a sufficient degree of political control could prospectively be maintained during and after a democratic transition. The ANC side needed to be able to credibly declare victory through the regime’s releasing of ANC prisoners, granting amnesties, legalizing the ANC, ending political executions and the State of Emergency legislation, and allowing the ANC to organize and contest elections”( nd: 19).

#### **6.5.5.2 Transfer and Report-Backs**

One of the major concerns in the conflict literature on problem-solving workshops is about the so-called transfer process – the transfer of changed perceptions from the informal track process to the formal, track one process. The critiques of analytical conflict resolution rightly draw attention to the fact that when talks involve individuals other than decision-makers, there is no guarantee that any learning that takes place, perceptions that are changed, or fears allayed in these processes, will indeed be communicated to the decision-makers, or even that should such communication take place, that it will have the desired impact. What was therefore the situation where the South African processes were concerned?

According to du Randt (1987:13) "After the Dakar visit, "...the debate on the necessity of talks and negotiations with the ANC became the most talked about thing in South Africa." Many of those delegates who had attended the Dakar meeting, were influential in their own right, such as newspaper editors and academics. Although they were not mandated to participate in this process, they had their own, informal "constituencies" of students, colleagues and acquaintances. A number of them went on speaking tours, and answered questions about the ANC, mainly attempting to put minds at rest regarding the communist leanings of the ANC, and its willingness to accommodate the cultural and language concerns of the Afrikaners <sup>136</sup>. Given the small size of the Afrikaner population, and the fact that these were mostly very influential people, it has been stated that almost everyone knew someone who had been to Dakar. The impact would therefore have been quite marked. The mainstream media did their best to crucify the Dakar participants, with attacks that were probably the most memorable feature of the entire episode (Bedford, 1987, Brink, 1987, Liebenberg, 1987, Van Vuuren, 1987). Ironically all that media attention, far from covering up the issue, or forcing it off the agenda, opened up a lively, public debate on negotiations with the ANC. According to Dakar participant Max du Preez: "Dakar triggered a new consciousness inside South Africa: a realization that we have to find a different type of solution than the ones the government had come up with" (2003:166). In its own right, the Dakar talks had put the possibility of negotiations with the ANC firmly on the agenda. The government had to respond, or risk being left out of the process. Even though the Dakar delegates were not directly influential with the government, that meeting probably played a role in encouraging the Mells prenegotiation meetings. If nothing else, the pro-negotiation camp within the ANC were greatly encouraged by Dakar, prompting Mbeki and Tambo to initiate their request to meet with "Broederbonders", which ultimately led to the Consgold facilitation. Although Esterhuyse and Terreblanche had been forbidden by P.W. Botha to meet with the ANC in the process facilitated by H.W. Van der Merwe, only a

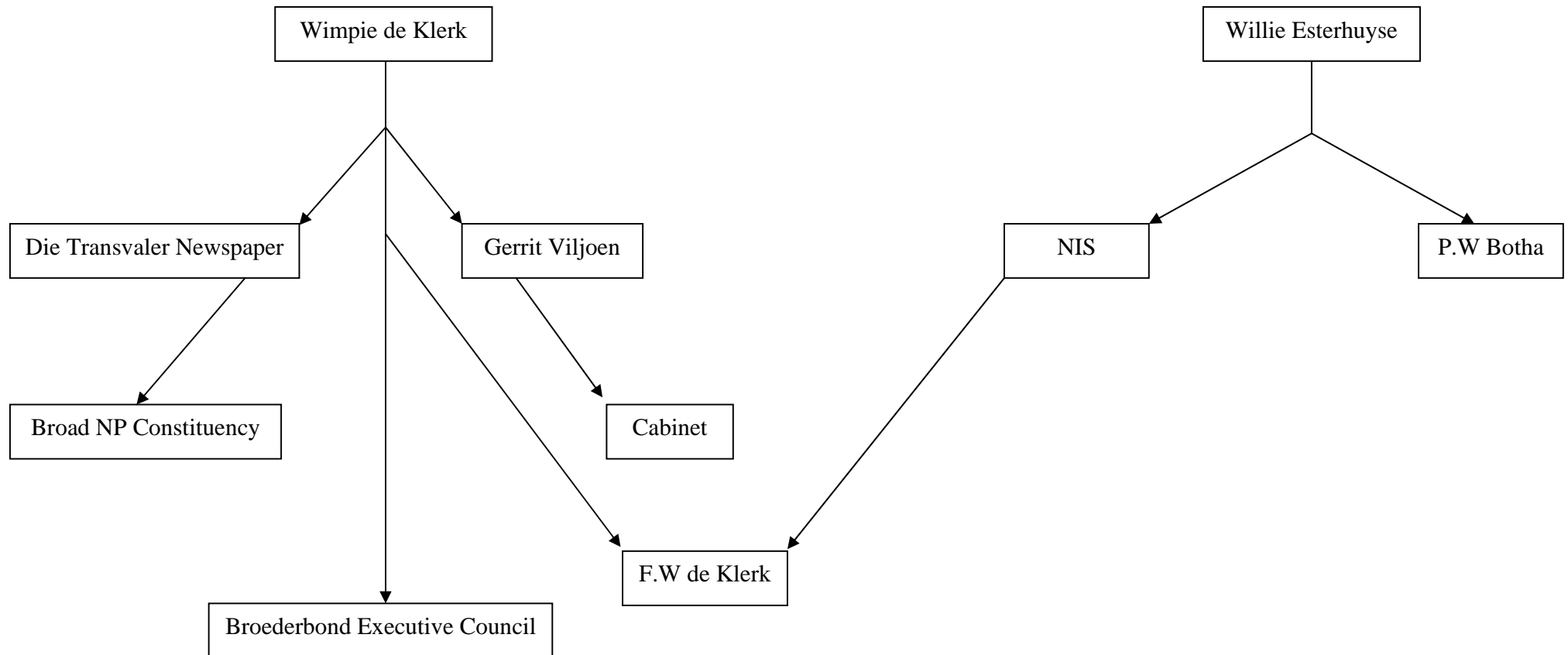
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<sup>136</sup> Andre Brink, along with a number of the other Dakar participants has commented on the sense of acceptance of the culture of Afrikaners and whites in general by the ANC members that they met with (1987:6).

few months later, they were both involved in these highly secretive talks, with the knowledge of the government's National Intelligence service, and almost undoubtedly with the knowledge of Botha himself (Waldmeir, 1997: 79). Many of the participants on the government side had ideal second track profiles. Given their friendships, and close relationships with those in the government, they could hardly have been in a better position to bring influence to bear. The presence of the future President's own brother, and the brother of the minister of finance, speaks for itself. The number of Broederbonders among the participants also placed them in a powerful position to bring influence to bear very broadly in the ranks of professional Afrikaners through that secretive and powerful organization. Merely the participation of Esterhuysen and Wimpie de Klerk alone would have had significant potential transfer effects, as illustrated in the diagram below. In order for transfer to take place, there has firstly to be opportunity for contact, and secondly, communication of the pro-negotiation message. The account shows that both preconditions were present in the case of these participants. Wimpie de Klerk, writing in his diary, describes himself as an intermediary, carrying messages from the ANC to his brother, F.W. de Klerk, as well as in the opposite direction (Sparks, 1994: 83,84). Wimpie de Klerk also mentions that he was convinced that the talks between the parties at Mells had positive effects on both parties, improving understanding, "...and even included the germs of certain transactions".

**Fig: 6.1**

**Potential Transfer Processes: W. de Klerk and W. Esterhuyse**



#### **6.5.5.3 Impacts**

The point has been made that the Dakar meeting was a media event, with international and local television coverage of the event, and the fallout that followed it in South Africa. It led to the establishment of an alternative Afrikaans newspaper, *Vrye Weekblad*, which though small, had an impact through setting the agenda for the mainstream press such as *Die Beeld* and *Die Burger*, which could not afford to ignore what *Vrye Weekblad* was reporting on.

Although it is difficult to assess the extent to which the Dakar meeting changed white opinion, an HSRC opinion survey, held prior to the meeting, in 1985, indicated that only 3.6 percent (Van Vuuren, 1987: 28) of white voters favoured negotiating with the ANC. These figures subsequently increased. Also, in distinction to the media outcry surrounding the initial Dakar event, there was an apparent lack of controversy accompanying subsequent Dakar-type events arranged later. The implication is that the Dakar event “desensitized” white South Africans on the issue of talks with the ANC (Lieberfeld, 2002: 367). Some polls were reporting much higher percentages in favour of negotiating with the ANC by 1990 (Bradshaw, 1990), with up to 73% of whites polled in the PWV region supporting negotiation in February 1990 (Rhodie, 1991: 31). There was a definite sense in which the meeting polarized white South African opinion, between those who were in favour of talks, and those who were against it. This created a growing constituency in favour of negotiations among white South Africans.

The unofficial meetings also encouraged the ANC leaders to devote more attention to exploiting the split that they perceived among white South Africans, between those who opposed negotiations with the ANC, and those who were in favour. Those ANC leaders, such as Thabo Mbeki, who were leaning towards the diplomatic, or negotiated solution, had their hands strengthened by these events, although there was some fallout, and criticism from the more militaristically inclined leadership, including Chris Hani, who criticized and questioned Mbeki’s role and mandate (ANC). The process was allowed to continue, however, largely through the support that it received from



ANC president Oliver Tambo (Pahad, cited in Lieberfeld, 2005: 13). Tambo and Mbeki were led to vigorously pursue further contacts with Afrikaners who were more influential than those they engaged in Dakar (Lieberfeld, nd : 4).

The meetings influenced the ANC to concretize into practical terms, the principles of the Freedom Charter, as they had to answer the questions put to them by their track two partners. Most significantly, the meetings prompted the ANC to clearly specify its preconditions for negotiations, and according to Pahad "...led eventually to what happened in Harare<sup>137</sup> and then [in] 1990, Groote Schuur..." (Lieberfeld, 2005: 8).

## **6.6 Track Two Diplomacy in Theoretical Perspective**

A series of meetings that could be categorized as track two meetings therefore took place between the leadership of the ANC and various groupings at different distances from the National Party government of South Africa. From a conflict resolution perspective, there are a number of similarities between these particular track two interventions, and the problem-solving workshops proposed by Burton and his analytical conflict resolution colleagues, as we have discussed them in Chapter four above, although they also display some important differences as we shall observe.

In the first place, the point has already been made by Lieberfeld that the talks would be more accurately termed "track 1½", as in all cases under review, the ANC was directly represented by its own very senior leadership (although they insisted that they attended in their personal, as opposed to official capacities). Transfer is an important theoretical concern, and a subject of debate in the literature on conflict resolution workshops. Related to the issue of transfer from "track two" to "track one" processes (in the case of the South African government at least), the participants, especially in the case of the Mells processes, were ideal from the perspective of conflict resolution theory as

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<sup>137</sup> The 1989 Harare declaration set out the preconditions of the ANC, including lifting the state of emergency, ending restrictions on political activity, legalizing all political organizations, releasing all political prisoners, and stopping all political executions.

articulated by John Burton, in respect of their ability to encourage the National Party government to enter first track negotiation processes <sup>138</sup>.

Each of the processes was made possible, or at least encouraged by the previous ones. As has been mentioned, changes were stimulated in the ANC leadership for instance, by the earlier meetings, and the NP had time to consider the implications of being “left out” of the communication process between important elements of its constituency (organized business), and its chief opponent (the ANC), that was gaining momentum.

### **6.6.1 Workshop settings**

With respect to the locations of the talks, the settings that were used for the meetings, largely fitted the requirements set by the conflict resolution scholars. In all cases the meetings were set in third countries, and in luxurious and (for the South Africans), exotic settings<sup>139</sup>. These are said to be conducive to creative thinking, as they are far removed from the daily realities of the conflict situation. This is all fully in accordance with the requirements of the conflict-resolution approach of Burton and his colleagues (Burton, 1987:52).

### **6.6.2 Process facilitation**

With regard to facilitation, the first meeting (South African businessmen), was facilitated by President Kaunda of Zambia, certainly the wrong sort of facilitator from the conflict resolution perspective, as he represented a position of power, and was certainly not a scholar-practitioner. Yet he managed to keep the talks on track, keeping the participants away from direct bargaining,

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<sup>138</sup> Many of the track two processes that have been documented in the literature have had to make do with participants who were very far removed from decision-making indeed. In many cases, for instance practitioners have held meetings with students, in the hope that they would become influential at a future date. Some of Kelman's work falls into this category, for instance. Here, the participants were influential in their own right, were trusted by, and had access to the highest decision-makers, and leant towards a negotiated outcome.

<sup>139</sup> For instance, the Lusaka meeting at the President's lodge was set in a game reserve with animals all around. The atmosphere of Dakar was commented upon by most of the participants, and the Mells estate provided a secluded and very tranquil setting, which Wimpie de Klerk commented upon as being conducive to the process (Sparks, 1994: 83).

as conflict resolution theory demands. The Dakar meeting was facilitated jointly by the leaders of the two delegations – again, contrary to the processes set forth by John Burton, who insisted on a neutral facilitation panel of scholar-practitioners. Although there was a neutral facilitator in the Mells workshops, this was a very different role from that of the panel of scholar-practitioners demanded by conflict resolution theory. Michael Young, the facilitator was a businessman, who presided over fairly unstructured meetings, and sometimes left participants to communicate directly with each other, without supervision, on a number of occasions – something expressly prohibited in Burton’s problem-solving model <sup>140</sup>. Burton set strict guidelines for separation of delegations outside of formal meetings, for instance. Young believed his aim to be merely: “...to facilitate two sets of people who in the public arena were speaking past each other” (Lieberfeld, 2005: 6).

### **6.6.3 Workshop agendas**

In terms of the substance of the discussions on each of the occasions, Burton expressly provides a recipe that makes provision for strict sequencing of subject matter, along with a prohibition of explicit bargaining (Burton, 1987). Although none of the meetings under review included explicit bargaining, and in this respect therefore conform with that aspect of the approach, talks were far-ranging, and certainly explored the substance of possible agreements, without entering all the preliminary steps required by Burton and his colleagues – for instance by beginning by analytically comparing values, and then moving on to needs and then finding ways of satisfying the needs of both parties as required by the theory (Burton, 1987: 57 – 67). There is no mention in the literature that needs were ever explicitly discussed, in these pre-negotiation meetings, and there were at no stages explicit discussion of basic

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<sup>140</sup> According to the rules of the problem solving workshop, Burton insisted that facilitation would be carried out by a panel of scholar-practitioners. Also, they would provide a fairly structured setting, and participants would always communicate through the panel, and any direct discussion, especially discussion of substantive conflict issues was to be expressly avoided in the problem-solving workshop. Outside of formal sessions, the participant groups were to be kept as separated as possible (See for instance, Burton, 1987: 41, 57,) . As the meetings under review, focusing on South Africa were in no case presided over by a panel of scholar-practitioners, Burton’s elaborate rules for the composition and selection of the panel are not applicable here.

human needs. However, the big issues concerning roadblocks to negotiation, such as the question of strategies of violence on both sides, were raised in all cases, as were the issue of future economic models, and minority rights. Indirectly, these issues did impinge on the security and identity needs of the parties. Fears were put to rest on many of these issues, and this largely enabled the move to track one negotiations.

#### **6.6.4 Publicity**

The issue of publicity for the processes is an interesting one. Burton stresses the need for strict control over publicity, and leans towards secret meetings, in order to keep the situation under control and manage the re-entry of participants (1987: 50)<sup>141</sup>. This is a rule that was followed in the case of the Mells meetings which were shrouded in secrecy. In the case of Dakar, however, publicity was seemingly uncontrolled, and the initiative became a media event, as mentioned above. Although this occasioned serious fallout, with negative repercussions for many of the participants, with some losing their jobs, others being discredited, and in one instance, an Idasa employee even being murdered, the meeting opened an important debate on negotiation with the ANC that many believe encouraged the Mells process, and ultimately led to the decision to enter “track one” negotiations with the ANC (du Preez, 2003: 166).

The South African “track two” process was unusual, in the willingness of one party to undertake a series of direct talks with non-representative elements from the other side – hence the “track one and a half” appellation given by Lieberfeld, as well as his use of the term “semi-official talks”(2005, forthcoming). The leadership of the ANC took great risks, to meet directly with its opponents. This was underlined, by Tambo during the meetings with South African businessmen<sup>142</sup>, and evidenced by the fact that the talks attracted strong criticism from some of its members. As the Mells talks proceeded,

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<sup>141</sup> Burton states that “The unofficial problem-solving process is understood to be confidential. Sometimes not even the existence of discussions is made public.” (1987:50)

<sup>142</sup> According to Lieberfeld (2002:360), Tambo had told Relly that he feared that the meeting would make the ANC leadership look soft, and therefore hurt its status.

Esterhuysen's role became increasingly that of a go-between, testing certain propositions with Mbeki, that very much became a meeting within a meeting (Sparks, 1994: 78, 79).

Another characteristic of the process was the determination of both primary South African parties to govern communication between themselves as far as possible, without the agency of a third party (Lieberfeld). Although the South African Security establishment had been opposed to groups such as the businessmen and the Dakar delegation having informal discussions with the ANC, by the time of the Mells meetings, only a few months later, Niel Barnard, South Africa's chief of National Security, had asked Esterhuysen to provide feedback of the process to the NIS, presumably for communication to President Botha, and the Mells process transmuted fairly seamlessly into arrangements between the security arms of the South African government and the ANC, preparatory to the first direct bargaining between the two sides at the Constantia and Pretoria minutes<sup>143</sup>.

## **6.7 Conclusion and Summary**

In summary, between 1985 and 1990 and beyond, there were a number of meetings between the chief protagonists to the South African struggle, that might fit into the broader concept of pre-negotiation, and which fit quite accurately, the term "second track diplomacy". Because Burton has such a rigid set of requirements for what he calls problem-solving workshops,

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<sup>143</sup> For instance, Meetings in Lucerne Switzerland, took place on Sept 12 1989, and in Berne on Feb 6 1990, between Mike Louw, and Maritz Spaarwater of the South African intelligence community, and Aziz Pahad and Thabo Mbeki, to investigate the obstacles in the way of negotiations; including the continued bans on the liberation movements, the ANC's alliance with the Communist party, and its commitment to guerilla warfare. The Berne meeting had to deal with the practical issues of how the exiles were to return safely to South Africa, who were political prisoners and how "talks about talks" would take place. The government wanted greater discipline in controlling the protest campaigns, and an agreed formula for ending the guerilla struggle. (Sparks, 1994:116) A fortnight later, another meeting took place. This time Niel Barnard and Fanie Van der Merwe were with them, and Joseph Nhlanhla was also there for the ANC. The meeting was to make arrangements for the return of the exiles and preparing the first meeting between the two parties in SA (Ibid:118) A fourth Meeting was held in Geneva at which a joint steering committee was established to take care of the return of the exiles and the first formal meeting between the government and the ANC on South African soil. (Ibid: 119).

including sequencing and strict control over the substance of the talks and the logistical arrangements such as seating however, these meetings cannot be equated with problem-solving workshops. They were surprisingly informal. It is almost as though, once the informal meetings were embarked upon, they were immediately at a more advanced level than scholars would have anticipated. Participants found little difficulty in communicating directly with each other. Seating arrangements were “mixed” – the participants were not seated according to their party membership. By the stage of the Mells meetings, the talks quickly transcended the second track, or the semi-formal character, and proceeded to a process of covert negotiations, with Esterhuysen acting as intermediary, flying “trial balloons”<sup>144</sup> in order to gauge the acceptability of various options with regard to possible negotiation “sticking points” with the ANC and the National Party government. While it is important to take cognizance of these events, and the impacts which they seem to have had, it is equally critical to note that environmental effects, such as the international collapse of communism, and the sudden replacement of P.W. Botha by F.W. de Klerk as state President of South Africa, also played important roles in bringing about the eventual negotiation process in South Africa. There is no way of being certain of the exact impact that these prenegotiation initiatives had on the process, except to note that the NP moved extremely rapidly from a stance more opposed to negotiation in July 1989, to a stance seriously supportive of the strategy by February 1990. The ANC, also, on 21 August, 1989, through the medium of the “Declaration of the OAU Ad-hoc Committee on Southern Africa on the Question of South Africa” (Harare Declaration), committed itself to negotiations as a favoured strategy for ending apartheid in South Africa (Kruger, 1998: 68,69), a significant advance on their 1987 position. Of course the following preconditions for negotiation were also presented:

- The release of all political prisoners
- The lifting of all bans and restrictions on political activities
- The removal of all troops from the townships

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<sup>144</sup> The term “trial balloon” is frequently used in the mediation literature and pertains to the practice of a mediator suggesting possible solutions to the parties, in order to measure the degree of acceptability with which such options are received.

- The ending of the state of emergency
- The ceasing of all political executions

It redounds to de Klerk's credit that he made the bridging step of meeting these ANC conditions without the prior assurance of a suspension of violence from his opponents. According to Kruger (1998: 70), an explanation of the rapid move to accept a negotiation process would include the effects of the prenegotiation communication against the backdrop of the hurting stalemate confronting both parties.

We next examine the South African National Peace Accord, as a pivotal element in the South African transition to democracy.

## **CHAPTER SEVEN: THE SOUTH AFRICAN NATIONAL PEACE ACCORD**

If the Peace Accord did not exist, it would have had to be invented. The Accord supplements and is an integral part of the process of a negotiated transition to democracy.

(Camay and Gordon, 2000:36)

I believe it is an extraordinary offering to the world. Nothing like it had ever been tried before, and our achievement has become a beacon of hope to troubled communities everywhere. Now the international community knows that it is possible for a whole society not just to change political structure and leadership but also to transform itself in the process.

(Collin Marks, 2000:191)

### **7.1 Introduction**

In our first investigation into the attempts to manage the South African conflict, we will examine the South African National Peace Accord in the context of the South African conflict at the beginning of the nineteen nineties, as one of the dedicated conflict management procedures implemented in this country. Our goal is to assess the stated intention behind its establishment, the context of its establishment, its structure, functions and impact. We begin by examining the nature of violence in the country as the momentum of the conflict swung towards a negotiated settlement.

When levels of violence in South Africa became so high that it was felt that they threatened to jeopardise the national negotiations on an interim constitution for the country, the most important parties signed a National Peace Accord (NPA) on 14 September 1991. The signing of the peace accord, and the establishment of the various structures to which it gave rise, represents one of the most ambitious domestic conflict resolution endeavours of its kind ever attempted. Despite its rather unambitious objectives, as a



strategy for limiting violence in South Africa in order to enable constitutional negotiations to take place, the remarkable NPA has been hailed by conflict management scholars as one of the singularly most impressive achievements of the field to date<sup>145</sup>.

Among other things, the National Peace Accord could be described as a conflict management system. It encompassed all the facets of the threefold distinction made by Johan Galtung among others, of peace making, peace keeping and peace building. It additionally also seems to fulfill the requirements for the definition of the developmental track of community conflict intervention proposed by Jim Laue, as well as the notion of conflict prevention that Burton calls for as an alternative to traditional conflict management methods. We will begin by making the case for considering the NPA as a conflict management system.

## **7.2 The South African National Peace Accord as Conflict Management System**

The NPA represented a comprehensive attempt to manage violent conflict, with feedback loops, resource provision, on a semi-permanent basis, involving the regular interaction of all the elements of the system. According to Bradshaw (1994: 3, 4) a conflict management system (CMS) is "...a permanent, rather than a once-off intervention, which is substantially "owned" by the parties to the conflict. It includes structures or institutions, and ongoing activities in pursuit of peace. It should be self-sustaining and accessible to the community at the point of need. Because conflicts shift and change, the CMS needs also to change and grow, constantly adapting to the needs of the changing conflict. The system should have built in procedures for accessing resources, especially expertise and opportunities for planning."<sup>146</sup> For more on conflict management systems, Ury, Brett and Goldberg (1989) also provide a list of principles that they attribute to what they call "dispute resolution

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<sup>145</sup> Discussion with George McCall 26 August 2005.

<sup>146</sup>

systems”, primarily intended to address organisational conflicts<sup>147</sup>. These include putting the focus on interests, building “loop-backs” to negotiation, providing low-cost rights and power back-ups, building in consultation before, and feedback after, arranging procedures in a low- to high-cost sequence, and providing the necessary motivation, skills and resources to facilitate the system’s functioning.

The South African National Peace Accord reflected many of the attributes of a CMS. It included structures at a number of levels, and in decentralised locations throughout the country, where it made its presence felt, and its services available to the grassroots. It was, for the most part painfully sensitive to the wishes of all of its constituent parties; in this sense, they "owned" the NPA. It was a longer-term intervention into social conflict at a number of different levels in the country. It envisaged three different types of conflict limitation activities: peace-keeping, peace-building and peace-making, which all according to Anstey (1999: 284, 285) in fact eventuated in the course of the life of the NPA.<sup>148</sup> In the actual course of events that followed, however, most of the emphasis fell on the peace-keeping and peace-making functions (Shaer & Nossel, 1992).<sup>149</sup> An emphasis that was initially placed on improving socio-economic conditions damaged by the long-standing conflict, known in the NPA by the acronym SERD<sup>150</sup>, also never properly came into its own. The NPA’s holistic, self-sustaining, highly representative, ongoing (as opposed to once-off) attributes, do qualify the accord as a conflict management system, however. The various activity areas of the NPA are encapsulated by table 7.1 below.

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147 Designing Dispute Management Systems was developed further by Costantino, C., and Merchant, C.S., in their 1996, book: Designing conflict Management Systems, San Fransisco, Jossey-Bass

148 See Galtung for a discussion of these different processes.

149 See Bradshaw, 1994 for a discussion on conflict management systems. Ury, Brett and Gold berg also discuss dispute resolution systems.....

150 Standing for Socio Economic Reconstruction and Development

**Table 7.1**

NPA ACTIVITIES BROKEN DOWN BY GALTUNG'S CATEGORIES		
PEACEKEEPING	PEACE MAKING	PEACE BUILDING
<p>Negotiation of:</p> <ul style="list-style-type: none"> <li>• Codes of conduct for disputants outlining their rights and responsibilities</li> <li>• Moratoriums on statements or actions likely to provoke violence</li> <li>• The Establishment of acceptable peacekeeping forces</li> <li>• Acceptable law enforcement mechanisms</li> <li>• Checks and balances on law enforcement agencies to ensure accountability</li> <li>• Removal of conditions that promote violence eg. Consumption of alcohol, carrying of weapons</li> <li>• Rules and procedures for particular events eg. Marches</li> <li>• Mechanisms for rapid communications between leaders in the event of a crisis</li> <li>• Acceptable and independent investigative commissions, should a breakdown in agreed mechanisms occur (to promote accountability)</li> </ul>	<ul style="list-style-type: none"> <li>• The establishment of representative negotiation forums</li> <li>• The negotiation of acceptable dispute resolution mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>• The establishment of participative mechanisms to address root causes of violence, eg. Social, political and economic conditions</li> <li>• Means to overcome unnecessary delay in achieving access to available resources (cutting through red tape)</li> </ul>

### **7.3 Background**

During the final years of the nineteen eighties the main parties to the South African macro-political conflict were entering a phase that began to resemble what conflict theorists have, following Zartmann (1989: 267 – 268, 1995:147), come to term a “hurting stalemate”. It had become evident to the leadership of the status quo in South Africa that the policy of apartheid was becoming more and more difficult to sustain, as the costs of defending apartheid steadily escalated. On the other hand, the forces struggling against apartheid were equally aware that they were unlikely to be successful in their armed struggle. According to Sisk, "By the mid-nineteen-eighties, neither the white minority regime, nor the forces of liberation could unilaterally defeat the other, and neither could unilaterally succeed in constructing an alternative political order." (1993:79)

Sisk proceeds to mention the "limited reforms" of President P.W. Botha as resulting in an upsurge of resistance, and leading to an "intensified cycle of revolt and repression". According to this view, a situation of dual power existed in the country that was roughly equal in balance between the ANC and the South African Government. The ANC and its allied liberation forces were in control of the townships, and had widespread international credibility, whereas the government controlled the central state organs, especially the security forces and monetary and fiscal policy, and “In the context of this relative symmetry of power, these actors and their allies became the two main contenders in the South African conflict.” (Sisk, 1993:78).

Although a hurting stalemate is often cited in conflict theory as a pre-disposing

factor, or even a pre-condition for the negotiated settlement of a conflict<sup>151</sup>, very few scholars, or observers of the South African political scene predicted the move towards a negotiated settlement in South Africa in 1989.<sup>152</sup>

So why did talks then begin precisely when they did? Lemarchand (1994: 603) presents the same question, attributed to Robert Kaplan, as follows: How does one explain South Africa, where a unified and peaceful nation is emerging from three hundred years of institutional racism? Obviously, in retrospect it is easier to answer such a question, but it remains a difficult one. We concur with Sisk, however, when he writes of a "...confluence of unforeseeable precipitating events" that took place, driving the South African parties towards Negotiation (1993:79).

The combination of a number of socio-economic and political factors came together to unlock the logjam, and transform the ongoing cycle of resistance and repression that had long characterised the South African Political scene.

Bethlehem, for instance (1993: 145) stresses the additional role of economic factors in bringing about the democratization process in South Africa. It was not so much the effects of sanctions, though, but the realization on the part of

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151 According to Anstey (1991 ) William Zartmann concurs, but adds the additional element to the hurting stalemate – that it should be "...associated with a recent or looming catastrophe that acts as a deadline or remembered warning and threatens to impose additional and unacceptable costs of a higher magnitude" But this in itself is also not necessarily sufficient. The parties need to have a way out. Lieberfeld, in his 1999 article "Ripeness Revisited" in Negotiation Journal, Vol. 15 No. 1, provides a critical assessment of Zartmann's ripeness argument, specifically using South Africa and Israel/Palestine as case studies.

152 Note for instance the work of Haas, where a very poor chance of a negotiated settlement is postulated, as late as 1990. According to Haas's model of ripeness, the following four conditions should pertain: A shared perception of the desirability of an accord; political leadership should be able to agree to a particular accord; there must be sufficient evidence of a compromise on both sides; there must be a mutually acceptable approach or process. Miall, et al (2000: 96) also support the view of the unexpected nature of settlement in South Africa, stating that: " In the late 1980s many were predicting catastrophe for South Africa, while few foresaw calamity in Yugoslavia." (96) Lemarchand (1994), and Camay and Gordon (2000) all support the unexpected nature of the peaceful South African transition. Horowitz, in his book: A Democratic South Africa, speaks quite pessimistically of the "...the long-shot character of the democratic gamble in South Africa..."

the National Party that the economic forces of integration could not be resisted that provided the impetus towards settlement. These points are supported by Adam, et al, (2004 : 222 - 223), who also downplay the role of economic sanctions, but stress the increasing interdependence of the white and black components of South African society, and the realization on the part of the ruling party that full segregation was increasingly unattainable.

Sisk also places great emphasis on the emergence of courageous leadership in South Africa as the most important contributing factor. He cites Nelson Mandela's letter to P.W. Botha (in March, 1989)<sup>153</sup>, calling for a negotiated settlement, and resulting in the 5 July meeting between Mandela and P.W. Botha, as evidence of this factor.

The second, related, precipitating event Sisk mentions, is the rise to power of South African President F.W. de Klerk, and his choice of a strategy of what is called "radical reform" (1993: 79). This aspect is strongly supported by Haas, who in the postscript to his book, argues that the steps taken by De Klerk provided the "key spark for change" (Haas, 1990: 152), although he was at first actually caught off guard by the progress that had already been made in contacts between the intelligence community and the ANC (Sparks 1994).

Sisk does not, however, mention the very important seismic shifts taking place in international politics in 1989 and 1990, including, particularly, the changes that were taking place in the Soviet Union and the demise of communism in Eastern Europe. These were very important events; perhaps the most important, in providing the nudge towards negotiations for the South African parties. At the international level, the changes in the Soviet Union, the subsequent destruction of the Berlin wall, and the disappearance, where the South African government was concerned, of the "communist threat" that it had used for such a long time as a pretext for its oppression of internal opposition, all put pressure on the South African government to seek a

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153 See Sparks (1994: 48 - 56) for an account of events leading to the eventual meeting between Mandela and P.W.Botha on 5 July, 1989).

negotiated agreement to the South African conflict. In a very real sense, the credible communist threat to the South African government had disappeared, leaving it feeling more secure. At a different level, the South African government could no longer expect the West to provide any further support, based on its shared opposition to Soviet-led communism. In a sense, this may have provided the perception of a “way out” against the background of a “looming catastrophe”, in terms of Zartmann’s “ripeness” model.<sup>154</sup>

For the African National Congress the impact was even greater. The international developments mentioned above meant that they had lost many important sponsors of their armed struggle against apartheid (Lawrence, 1994: 8), which may have contributed towards a perception of a “looming disaster” for their previous strategy of military struggle. They were therefore also under pressure to resolve the conflict in a peaceful manner.

The experience of the South African Government during its negotiations over the settlement of Namibian independence additionally provided an important precedent, and an important learning experience in terms of the possibilities presented by negotiation. Adam *et al*, for instance, drawing on South African diplomatic sources make the point that the Namibian process was “crucial” for the subsequent settlement in South Africa. It convinced the South African government that it was possible to talk to “terrorists” and still attain a satisfactory agreement (Adam, Adam and Moodley, (2004: 229).

Lieberfeld supports these arguments, adding that early contacts between the National Party leadership, and that of the ANC, including the imprisoned Nelson Mandela made negotiations thinkable (1999:63 – 82). Schlemmer

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154 Zartmann (1985) suggests that conflicts are ripe for resolution in the face of two different types of stalemate – plateaus or precipices. The plateau occurs when parties to a conflict realise that they are unable to achieve their aims, resolve the problem or win the conflict. It is the prospect of an extended, uncomfortable and costly standoff with little prospect of subsequent improvement. Where the precipice is concerned, both parties realise that things will deteriorate rapidly should they not negotiate a settlement.

(1991:15) makes the point very well, when he states that “Rather than one, there are at least one dozen factors which have to be considered in assessing the now famous speech of 2 February 1990.”

Against this background, on 2 February 1990, President F.W. De Klerk made his historic announcement concerning the unbanning of the liberation movements, the release of Nelson Mandela and his intention to seek a negotiated settlement. A series of agreements, or pacts was reached between the ANC and the South African government, that set the stage for a negotiated settlement. The Groote Schuur Minute<sup>155</sup> was signed on May 14, 1990, and was followed on 6 August of the same year by the Pretoria Minute<sup>156</sup>. The National Peace Accord eventually followed. It has to be seen against the background of escalating violence in South Africa, which we will deal with below.

#### **7.4 Pre – Election Violence in South Africa**

South Africa had been characterised by high levels of political violence during the decade of the eighties, as liberation movements sought to mobilise the population against the apartheid state, and as the state, in its turn, clamped down on their activities.<sup>157</sup>

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155 According to Waldmeir (1997:161), the Groote Schuur Minute was intended simply to clear obstacles to negotiation. She goes on: “In reality, Groote Schuur was about bonding, and being seen to bond, in the eyes of the nation and the world. Nothing substantive was agreed there – except to keep on talking. But the images of Groote Schuur will remain, like postcards, in the national memory.

156 The Pretoria Minute set up a working group to deal with the questions of how to define and release political prisoners, and how to grant immunity to exiles and underground activists. The government undertook to review security legislation and both parties agreed to take steps to curb violence. In the Pretoria minute, the report of the working group was accepted, the ANC announced that it was suspending armed actions, and both parties stated that the way was then open to proceed towards constitutional negotiations (See for instance, Johnston, (1993: 3), and Sparks, (1994 ).

157 Peter Gastrow, discussing political violence in South Africa, mentions that political violence killed an average of 44 persons per month in the mid – 1970's. Later, in the mid-eighties, the monthly average of fatalities had risen to 86. In the 1990's, however, it had risen to more than 250 per month. An escalatory trend is clearly visible, and seemed to accelerate with the onset of pre-negotiation and negotiation proper.



Although it might have been reasonably expected that violence might decrease after the embarkation on a course of negotiated settlements, the levels of political violence actually escalated alarmingly, as can be seen from the graph below. The epicentres of the violence were in the Natal Midlands, and in the townships of the East Rand.

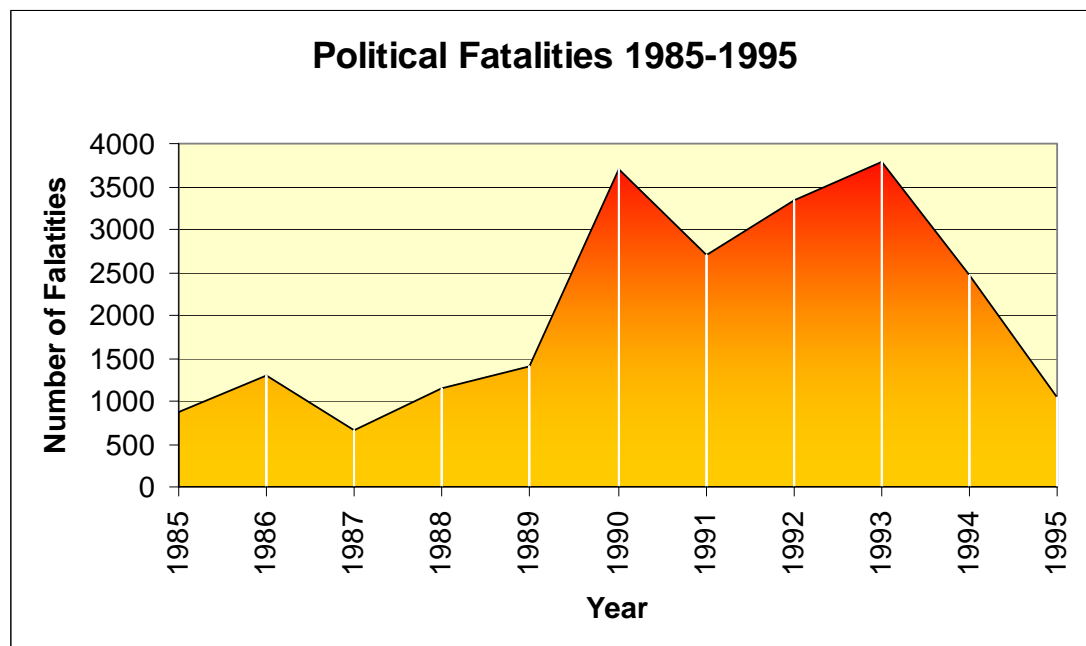
Many reasons for this development have been forwarded, and most relate to the positioning for advantage prior to, and during the negotiation process, by the main parties to the conflict. Others prefer to portray the violence as a strategy used by those who wished to bring about the collapse of the negotiation process<sup>158</sup>.

Whatever the reason for the increasing levels of violence, it became clear to South Africans in the early nineties, that violence posed a very real threat to the ultimate success of the negotiation process. It became abundantly clear that something had to be done to address the issue<sup>159</sup>. Figure 7.1 depicts the levels of political violence in South Africa in the decade 1985 to 1995.

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158There are a veritable plethora of attempts at explanation of the political violence of the early nineties. Many of them are mono-causal explanations, while others seek to explain the phenomenon in respect of more complex models. See for instance, Adam, H., and Moodley, K., *The Negotiated Revolution*, p 229, where the authors discuss various explanations of the violence. Bradshaw, et al, (1991) present a multi-dimensional explanatory model of the violence. Morris and Hindson (1992) similarly present a very persuasive, multi-dimensional explanation of the violence, equating it with the effects of the disintegration of Apartheid and the dislocations of rapid urbanisation, superimposed on the power play among the parties contesting for political advantage outside of the negotiation process. In this account, the most marginalized communities struggle for resources in an authority vacuum, left by illegitimate local authorities, where systems of "warlordist" patronage, and "comtsosis" replace local authorities. Violence had become institutionalised, and socially acceptable as a means of achieving goals. The local protagonists in these episodes were frequently linked to the national goals and aspirations of parties to the larger political conflict, although they were often beyond the control of that national leadership. The boundaries between political and criminal violence were also often quite indistinct. See also Davidson, A., and Strand, P., (1993) Chap 6 for a discussion on the development of a culture of violence, and the ethnic component of the violence. the article by Guelke (2000) is also very informative in this regard.

Figure 7.1



## 7.5 The Establishment of the National Peace Accord

Mandela and De Klerk met to discuss the deteriorating security situation in the country on 8 December 1990, and subsequently issued a press statement in which they stated that their main concern at that time was the ongoing violence in the country (Gastrow, 1995: 13). Despite repeated statements by political leadership, condemning the violence, and calls by church leaders for an end to the violence, brutal incidents continued, and the conflict seemed to escalate. The South African Council of Churches issued a statement, highly critical of the inability of political leadership to halt the violence. This signalled the beginning of an attempt by the SACC to take the lead in pressuring South Africa's political leadership to address the problem of violence. Despite a history of dissension among South African churches, they had managed to achieve a degree of unity at a national church conference held at Rustenburg

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159 Gastrow (1993) writes that by the end of 1990, it had become clear that political violence was directly undermining every relevant political group in South Africa, that it was retarding progress towards negotiations, and that the long-term stability of the country was being threatened by the fighting. See also Bradshaw, (1994) for a discussion of the political violence preceding the establishment of the National Peace Accord.

in November 1990, where the Dutch Reformed Church also took the historical step of admitting its role in the establishment and support of the policy of apartheid. The Rustenburg Declaration called, among other things, for the organisation of a peace conference to end the violence (Camay & Gordon, 2000: 4).

A committee was established by the conference, headed by Rev Frank Chikane, general secretary of the SACC, and Louw Alberts, to give effect to the provisions of the Rustenburg declaration. These two individuals, between them, had a broad level of acceptability to different groups in South African society. However, despite the great number of Christians in South Africa, the Church-inspired initiative was not yet acceptable to the entire spectrum of political leadership. The IFP, and its leader Buthelezi were suspicious of the SACC, which they viewed as being overly sympathetic to the ANC. Although the SACC offered to call a peace conference, it had to shelve these plans as it became clear that the IFP would not participate (Gastrow, 1995:17).

One of the principles characterising the settlement process was the frequent use of “dual mediator” using representatives, or individuals acceptable to each of the important sides, in a joint role. So for instance, Louw Alberts and Frank Chikane, Ball and Tutu, and other instances as well. This is important for establishing trust under conditions where no individual could be trusted by all parties. Another principle embodied in these events is the realization of the importance of the “partial insider”, as mediator, rather than the more generally accepted “impartial outsider”<sup>160</sup>. Business and church leaders were not impartial outsiders. They were South Africans with their own stakes in the conflict. In the 1990’s the importance of the possible use of “partial insiders” began to be stressed in the conflict resolution literature, as for instance by Lederach (1997:50).

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160 According to Lederach, (1997:50) “An insider partial approach involves intermediaries from within the conflict setting who as individuals enjoy the trust and confidence of one side in the conflict but who as a team provide balance and equity in their mediating work.” He goes on to explain that partiality need not be a detriment to intervention, and may, in fact constitute what he calls “a significant resource”.

In a letter to the state president on 5 April, 1991, the ANC had indicated that the government was not doing all in its power to prevent the violence. It made demands, including a demand for the dismissal of Ministers Malan and Vlok, (Gastrow, 1995)<sup>161</sup> and certain other measures aimed at ending the violence, to be met by May 9. De Klerk responded, announcing his intention of establishing a special commission of inquiry into the violence, and also the calling of a peace conference to discuss the violence, to be held on May 24 and 25 in Pretoria. The peace conference proposal was endorsed in principal by the ANC, but it objected to its being convened unilaterally by the South African government, which the ANC saw as partisan, and insufficiently independent to legitimately sponsor such a conference (Haysom, 1992:33, Gastrow, 1995:19). Business, and more conservative parties supported De Klerk's conference, but the ANC and its allies refused to attend. Amidst continuing, escalating violence at the time<sup>162</sup>, the situation took on crisis proportions. Behind the scenes intervention by senior church leaders, meeting with De Klerk and Mandela attempted to defuse the crisis. It was feared that the forthcoming peace conference might, in the absence of participation by the ANC, COSATU and the PAC, actually lead to an escalation of the violence.

The reverend Frank Chikane announced that the church leaders were planning a national peace conference in the event that all the parties did not attend De Klerk's conference. Mandela welcomed this peace initiative by the SACC in an address to South African business leadership on May 16, organised by the Consultative Business Movement (CBM). He explained why he would not attend the summit, and urged the president not to proceed with the meeting. Mandela also urged the businessmen to help end political violence (Gastrow, 1995: 20).

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161 Magnus Malan was the minister of Defence and Adrian Vlok the Minister of Police at the time. They were regarded as incapable of controlling the violence, and therefore in need of replacement. (improve – check)

162 During the final weekend of April, 1991, 50 people had been reported killed, and 200 wounded in Natal and on the Witwatersrand.

At an emergency meeting held the next day, the CBM decided that the business community should collaborate with the churches to attempt to keep the negotiation process on track. The issue was also immediately raised with Chikane, who informed CBM national organiser, Colin Coleman that Buthelezi was not in favour of the church-sponsored peace conference. It had been becoming clearer that in a rapidly polarizing situation, the churches were no longer regarded as sufficiently neutral by the more conservative parties, including the IFP. They were seen to be too close to the ANC. On the other hand, business was actively promoting De Klerk's peace summit, which was being opposed by the ANC and its allies. It was decided that business and the church with "...other nonpartisan groups from civil society..." should jointly attempt to bring all the parties together (Gastrow, 1995: 21).

What followed was a period of frenetic activity by business leadership, and the South African Council of Churches, in an attempt to bring political leadership to an effective peace conference. On the afternoon of 17 May, a meeting was held with representatives of the SACC, CBM and SACOB. Jay Naidoo, secretary general of COSATU was also asked to attend. In interactions with the State President, it was learned that De Klerk still intended to go ahead with his summit. He was prepared to concede, however, that this was part of a larger process, and that he would be asking a facilitating group to proceed with bringing all the parties together for a subsequent conference. This response indicated a recognition on De Klerk's behalf of the importance of a sound intervention process. Thus it was that the danger of establishing an exclusive, and in all likelihood, unsuccessful peace process was averted. When the government's meeting was held, government spokesman, Gerrit Viljoen stressed in conciliatory tone, that the conference should merely be seen as the first in a series of steps (Gastrow, 1995: 22,23), so avoiding the impression that the government was exclusively, putting all its eggs in one basket. This helped the Government save face and simultaneously allowed for a broader conceptualization of the peace process.

On the 22<sup>nd</sup> June 1991, a preparatory meeting for a peace summit was held. Closed to the media, it represented about 20 different organisations. It was

here that the broader aspects of the future Peace Accord were mapped out, after a brainstorming session. It was also decided that the existing facilitating committee, with the addition of three representatives each from the Government, the ANC and the IFP be requested to handle the preparations for a National Peace Convention. Working groups were also established to examine the following five specific issues: A code of conduct for political parties, a code of conduct for security forces, socio-economic reconstruction and development, implementation and monitoring and process, secretariat and monitoring. These elements were later integrated into a single text that would become the National Peace Accord. The Consultative Business Movement provided administrative support for the entire process, with financing coming from the government (Spies, 2000: 4).

## **7.6 Signing the National Peace Accord**

Finally, on 14 September, 27 parties adopted the Peace Accord, at a Peace Convention at the Carlton Hotel in Johannesburg. It was attended by political parties, traditional leaders, trade union leaders and self-governing homeland leaders and newspaper editors. The three rightwing parties declined to participate, and the PAC and Azapo refused to sign, on grounds of their unwillingness to serve with the government on any structures, although they did indicate their support for the Accord.

The leaderships of Bophutatswana, Transkei and Venda homelands also refused to sign the Peace Accord. Although Ciskei's leadership did sign, it later also withdrew from the implementation of the accord (Spies 2000: 4).

The Peace Convention was a very significant event, managing to bring together political leadership from across a very broad political spectrum, as well as important elements of civil society including churches, trade unions, business and media. It served to demonstrate that despite their deep-seated differences, the parties could manage to cooperate to manage their differences (Spies 2000: 4).

**Figure 7. 2 The Signatories of the NPA**

**At the National Peace Convention, the following parties signed up to the National Peace Accord:**

- **African National Congress**
- **Amalgamated Union of Building Trade Workers of South Arica**
- **Confederation of Metal and Building Unions**
- **Congress of Traditional Leaders of South Africa**
- **Congress of South African Trade Unions**
- **Democratic Party/ Gazankulu Government**
- **Dikwankwetla Party/ Qwa Qwa Government**
- **Federation of Independent Trade Unions**
- **Ximoko Progressive Party**
- **Inkatha Freedom Party**
- **Intando ye Sizwe party**
- **Inyandza National Movement/KaNcwane Government**
- **KwaNdebele Government**
- **Kwa Zulu Government**
- **Labour Party of South Africa**
- **Lebowa Government**
- **United People's Front**
- **Merit People's Party**
- **National Forum**
- **National Party/ Government of South Africa**
- **National People's Party of South Africa**
- **Solidarity Party**
- **South African Communist Party**
- **United Workers' Union of South Africa**

One of the interesting developments in the South African attempt to deal with violence, was the emergence of a form of conflict intervention that was entirely internal. It bears closer examination, as a model for other societies in conflict – and provides an answer as to how impartial and widely acceptable intervention can occur, even in societies that are extremely deeply conflicted, or polarised. Even Zartman, (1989 a) for instance, writing on conflict in an

African context, takes for granted the role of a conciliator, providing the leverage necessary to manage the conflict. Most sources call for an outside, neutral intervenor. Yet one of the principles characterising the settlement process was the frequent use of “dual mediator” using representatives, or individuals acceptable to each of the important sides, in a joint role. So for instance, we have Louw Alberts and Frank Chikane, Ball and Tutu, and other instances as well. This is important for establishing trust under conditions where no individual could be trusted by all parties. Another principle embodied in these events is the realization of the importance of the “partial insider”, as mediator, rather than the more generally accepted “impartial outsider”<sup>163</sup>. Business and church leaders were not impartial outsiders. They were South Africans with their own stakes in the conflict. The practice of dual insider-partial facilitation was further developed in the life of the NPA, where many LPCs and RPCs were jointly chaired by business and church representatives.

This development points to the additional importance for conflict management of a strong civil society in a deeply conflicted country – a civil society able to provide strong, neutral facilitators. It presupposes a ready supply of individuals with organisational experience, cross-cultural sensitivity, and related acumen and “social capital” that one associates with a relatively developed society. It is noteworthy that so much of the facilitation provided during the South African transformation process came from the very well developed business sector in the country.

## **7.7 The Structures of the National Peace Accord**

The Peace Accord that was signed on 14 September 1991, was an extensive document, containing a set of principles of pluralist democracy, codes of conduct for political parties and the security forces, as well as a set of structures variously tasked with preventing and managing public violence and

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163 According to Lederach, (1997:50) “An insider partial approach involves intermediaries from within the conflict setting who as individuals enjoy the trust and confidence of one side in the conflict but who as a team provide balance and equity in their mediating work.” He goes on to explain that partiality need not be a detriment to intervention, and may, in fact constitute what he calls “a significant resource”.



intimidation in the country.<sup>164</sup> According to Chris Spies: “The agreement was rooted in a number of basic values. It promoted democratic principles of good governance, mutual responsibility and accountability. It explicitly recognized the fundamental rights and freedoms of conscience and belief, speech and expression and, association, movement, peaceful assembly and peaceful political activity. These commitments were especially significant given the [South African] history of authoritarianism and political intolerance” (Spies, 2002: 4). Because it was realised that many of the causes of the violence were structural, and related to economic deprivation and inequality, attention was also given in the document to socio-economic reconstruction and development. Chapters additionally included principles for the enforcement of the provisions of the accord, and the provision of a witness protection programme in respect of evidence concerning incidents of public violence and intimidation. Specifically, the NPA required all political parties and organisations to publicly condemn violence, and to encourage an understanding of democracy and democratic tolerance, to prevent their members from killing, injuring, intimidating or threatening violence toward others because of their political beliefs, and to assist the police in their investigation of violence, and monitor people’s involvement in violence (NPA).

The security forces were required to protect all people from taking sides, to act to prevent crimes, using as little force as possible, and to work together with communities to combat violence and rebuild trust. No bias should be shown towards any political belief, and regular consultation should be maintained with the peace committees. Special procedures to investigate political violence were to be implemented, and those carrying illegal weapons were to be disarmed (NPA: Chap1).

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<sup>164</sup> The NPA is included in its entirety as Addendum 3 below

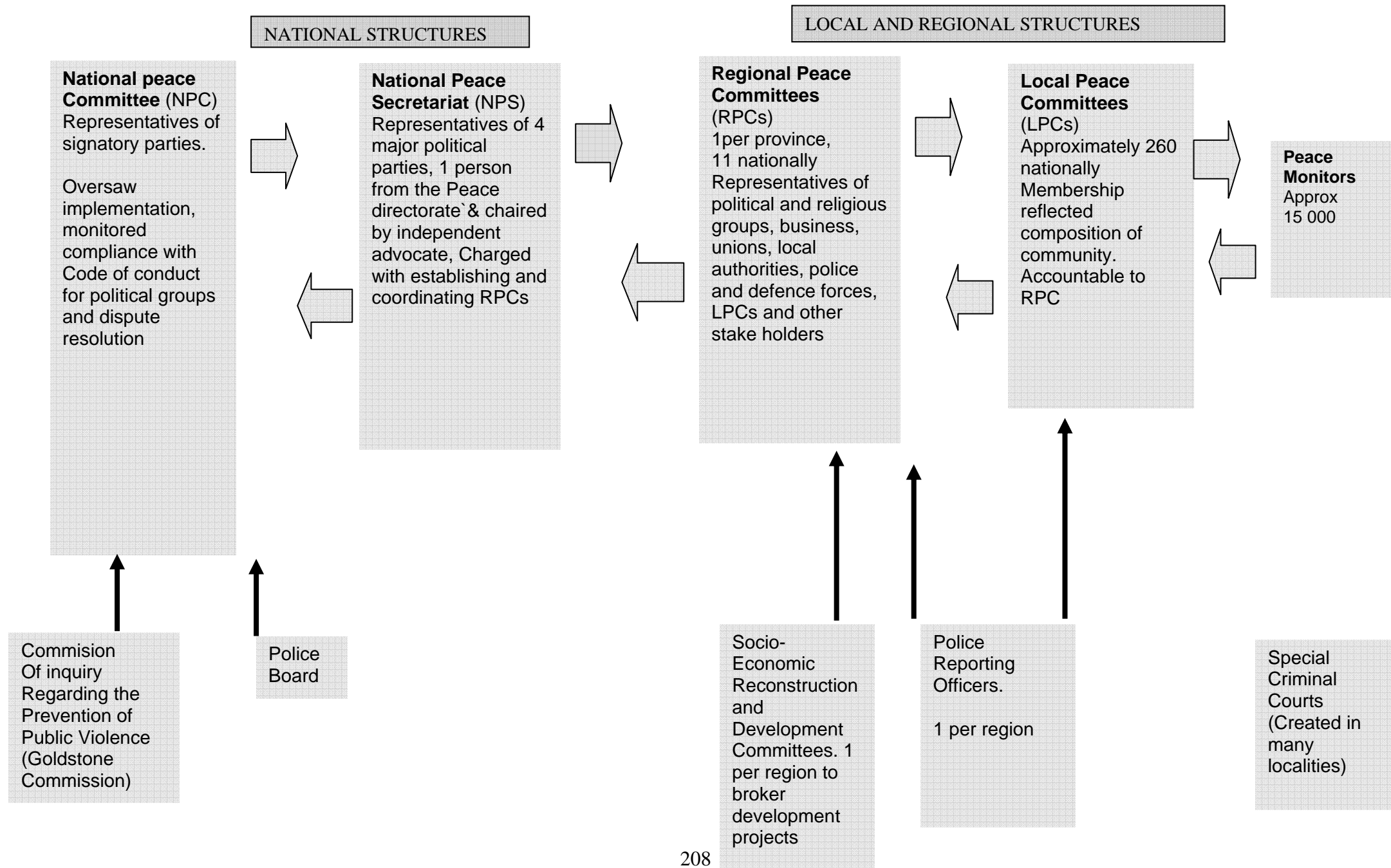
If there was no discernable theory of conflict behind the establishment of the NPA, as Gastrow (1995)<sup>165</sup> alludes, there was, at least an understanding behind the establishment of the National Peace Accord, that the causes of conflict in the country were manifold, and indeterminate. It therefore subsumed a comprehensive set of approaches, intended to address many different possible causes of conflict and conflict escalation. It looked to enable improved communication among all the parties, through its committee system. It included the means to investigate various occurrences of violent behaviour, searching for the causes. In this regard, it also resembled, or contained elements of an early warning system. The conduct of the various security forces and political parties, additionally was to be governed by a strict code, which they were to monitor, in collaboration with the peace structures. According to Lederach, the NPA constituted a process that, although it was constituted by top-level leaders, engaged especially the middle levels of societal leadership. He writes that "...the rubric of formal negotiations between top-level leaders set in motion a process of transition and socio-political transformation that specifically contemplated numerous levels of activity across society" (1997:51). The structures of the NPA are represented in figure 7.3 below.

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165 Gastrow (1995) maintains that the National Peace Accord was a largely ad hoc response to a crisis situation, without any specific theoretical base.

**FIGURE 7.3**

# **SOUTH AFRICA'S NATIONAL PEACE ACCORD STRUCTURES**



The structures resulting from the National Peace Accord were as follows:

**7.7.1 The National Peace Secretariat (NPS)**, which had the responsibility of administration and coordination of the entire project. It was to consist of no fewer than four members, nominated by the National Peace Committee, and one official of the Department of Justice. A maximum of four additional members could also be appointed (N PA: Chap. 7). In practice there were nine members, with the four most important signatories at the national level, the ANC, the NP, the IFP and the DP being represented. The NPS fell under the chairpersonship of Dr Antonie Gildenhuys, and employed a number of administrative officials, many of whom were secondments from the private sector, as well as from government departments; particularly the Department of Justice. Eight of the nine members were nominated by the National Peace Committee, to ensure that a spectrum of interests were represented, and the ninth member was an official from the Department of Justice. Members of the National Peace Secretariat were formally appointed by the State President, to serve for a period of three years (Gastrow, 1995: 45).

**7.7.2 The National Peace Committee (NPC)**, which consisted of representatives of all the parties signatory to the accord, as well as the church and business. In reality, the full National Peace Committee had only met once, at the inception of the National Peace Accord. Theoretically, it stood at the apex of a structure of peace committees, established at regional and at local levels. The NPC was given the task of monitoring the implementation of the National Peace Accord, resolving any contraventions of the codes of conduct, and assuming responsibility for socio-economic reconstruction and development (NPA, Chapter 8).

**7.7.3 Regional and Local Dispute Resolution Committees** The Peace Accord envisaged that the country would be divided into regions, each of which would have its own Regional Dispute Resolution Committee (RDRC), established by the National Peace Secretariat. These committees were made up of representatives from political organisations, the church, trade unions, commerce and industry, and local and tribal authorities as well as the police and the defence force, at the regional level. They would draw their legitimacy from their representivity. The intended function of the RDRCs was to work to prevent violence and intimidation at the regional level, and to set up Local Dispute Resolution Committees in their regions (Gastrow,1995: 45). Eventually, eleven Regional Peace Committees (at first called Regional Dispute Resolution Committees) were established, and two hundred and sixty three Local Peace Committees were also set up. The Regional Peace Committees were serviced by the National Peace Secretariat at the national level, as well as by their regional office staff. See Addendum B for a list of the committees eventually established under the auspices of the Peace Accord.

The Local Dispute Resolution Committees (LDRC's) had an important peacemaking and peace-building role, dealing with the settling of disputes causing public violence or intimidation. According to Gastrow (1995:45), these bodies also served a liaison function with local authorities concerning the holding of rallies, marches and gatherings of various kinds. An examination of the minutes of the Port Elizabeth LDRC (or Peace Committee as it was later renamed) supports this assertion and also indicates how multi-party discussion of local events and underlying tensions allowed the committee to take early preventive action to control the development of conflict (See, for Instance, the minutes of meetings of the Port Elizabeth LPC).

**7.7.4 The Commission on Public Violence and Intimidation:** Predating the signing of the National Peace Accord by a few months, this commission was merged with the NPA, to become the third leg of the peace structures, under the chairpersonship of Justice Richard Goldstone. Its main functions, in terms of its founding legislation, *The Prevention of Public Violence and Intimidation Act, No 139 of 1991*, were to investigate incidents of public violence and intimidation, with a view to uncovering the perpetrators of the many incidences of political violence taking place at the time, and which were the subject of so many recriminations and counter-recriminations, that they bedevilled and often even threatened the negotiation process. It was then to bring this information to the attention of the Peace Committee. The Commission was to investigate the causes of the violence, make recommendations to combat the cycle of violence, make recommendations to prevent further violence, establish research programmes to provide empirical, scientific data on the violence, and to make recommendations concerning the funding of the peace process. The Goldstone Commission, as it became known, was also given a regional presence through its reporting officers (mainly lawyers) situated in the eleven "peace committee" regions of the country. The Commission was formally linked to the National Peace Structures through the provisions of Chapter 6 of the National Peace Accord.

## **7.8 Financial Arrangements**

The structures of the National Peace Accord were funded from a number of different sources. Initially, in terms of the Accord, the funding of the structures would be provided and managed by the Department of Justice. In 1994 this role was transferred to the Department of Home Affairs. The exact levels of funding were not specified by the Accord, and were often considered insufficient by the National Peace Secretariat. The South African private sector, and international aid agencies, especially the British and Danish, also provided funding, and staff

were seconded to the peace structures from local business and organisations of South African civil society (Ball, 1997: 5).

The provision of funding from government to the peace structures led to the perception by some of its opponents that the structures were under government control, and perhaps therefore not sufficiently neutral for the job. From June 1993, the Secretariat was therefore empowered to administer its own funds, to obviate bureaucratic bottlenecks and delays in the payment of the various consultants who carried out much of the training and intervention work under its auspices (Gastrow, 1995: 53)

The budget, which in 1993/4 was just over R 41 million, was generally insufficient for its purpose, but this was surmounted by the extensive use of volunteers at local levels, where for instance all peace monitors were volunteers (Camay and Gordon, 2000: 10).

## **7.9 Peace Accord Activities**

Within eighteen months of the signing of the Peace Accord, eleven regional peace committees, and eighty-five local peace committees were established, and many more were in the process of being established (Star, 4.6.93). Eventually, more than 260 LPCs were established around the country (Spies, 2002).

The activities of the peace accord were many and varied. A summary of the more typical activities which took place under the auspices of the regional and local peace committees are therefore summarised and represented in tabular form below:

**7.9.1 Committee Activities:** Conflict analysis, debate and decision-making took place with regard to conflict intervention, peace-building, structural development and maintenance, and the organisation of activities such as peace-days, marketing and training etc. It was in the committees that people got

to know each other in new ways. Susan Collin-Marks, a Western Cape RPC member puts it thus: South Africans had never met one another before like this, face-to-face, and over time we learned to turn away from our habit of fearing one another and instead began to face our common problems and jointly find solutions.” (2000: 16).

**7.9.2 Monitoring Activities:** Observation and monitoring of Political activity of all kinds took place, including the monitoring of protest marches , rallies, funerals and other activities such as political meetings and eventually, also the first democratic elections, in 1994. This activity involved huge numbers of volunteer monitors literally placing their bodies in the line of fire, between the marching protesters, and the security forces.

**7.9.3 Intervention activities:** Mediation and facilitation of all kinds of conflict situations, by peace secretariat staff, peace committee members and outside experts took place. Local peace agreements were brokered in some of the most violence-prone communities in Natal. Elsewhere, facilitation of adjunct processes, or extensions of the Accord also took place, for instance the formulation of regional or local electoral codes in the lead-up to the election, by the parties themselves.<sup>166</sup> Disputes with the potential for violence were identified, and arrangements were put in place to provide suitable mediation.

**7.9.4 Training activities:** Training events for team-building, needs assessment, training of Peace Committees in conflict handling skills, including conflict analysis, mediation, facilitation and negotiation skills, brainstorming and strategic planning took place extensively. Training of monitors in a wide range of skills, including radio operation, first aid, basic intervention etc., and the training of office staff in administrative skills etc. also took place. Although training began

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<sup>166</sup> See for instance correspondence between Tessendorf and Bradshaw and the Electoral Code formulated by parties in the Eastern Cape Region.



in an ad hoc fashion, it was eventually coordinated by the national training committee, and regional training committees were established to monitor, assess and develop training (Minutes, NPS Training sub-committee meetings 21 June 1993, 26 August 1993, 6 December 1993, 27,28 June 1994, 6 May 2005). Most LPCs and all RPCs received some training.

The National Peace Secretariat training subcommittee typically processed training matters including: Examining the possibility of producing its own training videos, the issuing of training certificates to trainees, the level of remuneration paid to trainers, the format of training evaluation reports, the need for joint training sessions with the South African Police, training of peace monitors, recruitment of trainees, training of election monitors, and the development of suitable curricula, coordinating a joint training programme with Technikon RSA for peace marshals, where the following content areas were mooted: human rights, dynamics of crowd control, municipal laws, unarmed combat, radio communication skills and first aid.

Additionally, training for documentation and information handling in conjunction with the Goldstone Commission, was discussed, as was the development of funding proposals for monitoring training and marshall training programmes. The improvement of coordination of communication on training to the regions from national also received attention. Report-backs on numbers trained during the period were also tabled (Minutes, NPS Training sub-committee meetings 21 June 1993, 26 August 1993, 6 December 1993, 27,28 June 1994, 6 May 2005 ). See also report on NPS training activities, included as Addendum E hereunder.

**7.9.5 SERD Activities:** SERD Committees were established to facilitate development projects that would help put an end to the violence. Poverty among black South Africans was widely recognised as one of the root causes of the violence, so the SERD committees attached to the various RPCs were intended to work hand in hand with communities at grassroots levels on local development

projects that addressed needs that were a source of violent conflict (Collin-Marks, 2000:19). The facilitation of development - related conflicts, by linking communities to service providers, and other resources occurred later in the process, and only to a very limited extent. This was one of the more disappointing activity areas, and will be discussed below.

**7.9.6 Marketing Activities:** Media liaison took place, including the, organisation of Peace Day activities, distribution of peace T-shirts, buttons, stickers, flags and so forth. The peace accord, its structures and the general idea of peace and creative conflict management received much positive coverage on radio stations and on television. These activities were designed to raise the profile of the peace structures in the minds of ordinary South Africans. Competitions were widely held, calling for the design of peace posters and the composition of peace songs. The T-shirt sporting the peace-dove logo of the Peace Accord was a familiar memento of the peace process for many years after its termination.

**7.9.7 The Goldstone Commission:** In line with its mandate, the Goldstone Commission issued a number of reports concerning the causes of violence in South Africa. It strove to be as objective as possible, and to be perceived as being objective (Camay and Gordon, 15). It commissioned research into the causes of violence by among others, the HSRC. Among its recommendations were proposals for urgent measures to govern public gatherings (Business Day 30.4.1993). For instance, the commission linked train violence to the political conflict between the ANC and the IFP and recommended that the parties promote political tolerance amongst their supporters (Citizen, 18.5.1993). Other matters that the Commission investigated and reported upon, was the high incidence of violence in the taxi industry, which was seen as being unrelated to political conflict. Violence in and around hostels was another subject of the attention of the commission, which was addressed by a number of proposals

governing the carrying of weapons, control of rumours, educational programmes and more democratic governance of the hostels ( Star, 31.5.93).

#### **7.10 Achievements of the Peace Accord**

A number of observers of the South African political scene have made the point that the signing of the peace accord, and the setting up of structures in its name was not a great success. They point to the fact that if one examines the statistics on violence in the country immediately before the establishment of the accord, and compare these with the statistics on the period after the implementation of the accord, there is no noticeable decline in the number of deaths and violent incidents. If anything the trend is in the opposite direction. Unfortunately, in this regard, the unsophisticated analysis of statistics can prove to be misleading. One needs to take into account the huge number of incidents of public protest, relating to the negotiating process then underway, during the period after the establishment and during the operation of the Accord, and the degree of public disillusionment after the breakdown of Codesa, and in the wake of the assassination of Chris Hani. Indeed, given the history of conflict in South Africa, the breakdown of relationships and the degree of inequality which existed, certain accomplishments do assume the proportions of miracles.<sup>167</sup>

The point has also been made (McCall, 2000), that the nature of the violence in the country changed after the establishment of the National Peace Accord, when much of the violence was forced underground, and so-called Third Force Activity made an appearance. Violence before and after the establishment of the Accord is therefore not directly comparable.

The accomplishment of a peaceful election in April 1994 is simply one of a number of achievements which are due in large part to the work of the Peace

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<sup>167</sup> Mark Anstey (1999: 285) supports the view of the NPA being an effective conflict intervention exercise as follows: "Although it was criticized as failing in its intent to bring about an end to violence, it served a valuable role in attenuating confrontation and as a reference point for those seeking to mediate a non-violent change process."

Accord, however. The fact that the Codesa negotiations began within just three months after the signing of the peace accord indicates that it "...quickly fulfilled its primary function" of getting the negotiations on track (Mc Call and Duncan, 2000: 165, 166).

When the Codesa negotiations broke down in mid-1992, many observers close to the process expressed the opinion that the only forum in which the parties continued to meet was in the structures of the Peace Accord, and that it was from this base that the Multi-Party Negotiating Process which eventually delivered the interim constitution was launched. The occurrence of violence in the aftermath of the assassination of Chris Hani was also surprisingly low, considering the mood of the people at that time.

It should be stressed as well, that the activities of the Peace structures at the local level, often became the main focal point of the community; the only forum available to the community, within which a vast range of civic, developmental and political problems could be resolved. In this regard, the local peace committees can be thought of as a sort of universal "second track", providing enabling conditions for the first track, high-level political negotiations that were taking place.<sup>168</sup> Also, by controlling the effects of rumours, aggressive language, and various protests at local levels, violence was often averted (McCall and Duncan, 2000: 166).

The National Peace accord and its structures succeeded because it accomplished the following:

- It popularised the concept of negotiation, and, in fact institutionalised it where it counted - at the grassroots level (Bradshaw, 1994). On the role of the peace committees, they created a "physical and psychological space" where

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<sup>168</sup> See for instance Burton (1984) for a discussion of first and second-track processes.

differences could be resolved. They also negotiated disputes and performed the role of unbiased third party facilitators, or mediators (Ball and Spies, 1999: 8).

- The peace accord made resources, such as the “professional skills, experience and reputation for neutrality” of conflict management specialists (McCall and Duncan: 169) available; again, this occurred at the grassroots level, where they were in shortest supply, and most urgently needed. The NPA structures also channelled general management expertise and financial assistance from the private sector into the committee system, through donations and secondments.
- Ordinary people, in large numbers, were equipped with conflict resolution skills. Local and Regional Peace Committee members were trained in conflict analysis, and negotiation, facilitation and mediation skills, by conflict resolution-oriented NGOs, academic institutions and foreign experts. Later some of these same people, and others were also trained in marshalling of political events, and election monitoring (Bradshaw, 1994, National Training Committee Minutes, 21/6/93, 26/8/93, 6/12/1993, 6/5/1994). Lederach (1997:51) makes a similar point as follows: “Central to the overall functioning of the peace process was the development of institutional capacities through the training of a broad array of individuals to respond to the volatile period of transition”.
- Problem-solving forums were provided. These were often task-orientated, and not mere “talk shops”. Potential flash-points were identified, and discussed, and options for resolution considered, mainly in non-adversarial manner. For instance, peace committees often worked with the organisers of political events, such as marches, to avoid potentially dangerous routes, and maintaining spaces between political opponent’s meetings and marches. They also engaged security forces to provide an “adequate but non-threatening” presence (Ball and Spies, 1999: 8).<sup>169</sup>

- The legitimacy of the system. Although there was some criticism that the peace structures were imposed from the “top down” (Midgely, 1995), due to the fact that the accord was developed and contracted at a national level, the structures were not imposed from the top down, but were widely negotiated at the local levels in the vast majority of cases, among most or all of the relevant parties. This gave rise to the not unusual occurrence of individuals from parties that had not even signed the accord, participating actively at the local levels.<sup>170</sup> In fact, Lederach sees the NPA as a “middle-out” process that “...builds on the idea that middle-range leaders (who are often the heads of, or closely connected to, extensive networks that cut across the lines of conflict) can be cultivated to play an instrumental role in working through the conflicts” (1997: 51). Assessing the NPA from the perspective of conflict resolution specialists, McCall and Duncan (2000: 169) ascribe the “unprecedented legitimacy” of the NPA, to its inclusivity, and the fact that committee decisions were made on the basis of consensus, rather than voting which has the potential of being divisive.
- Relationships were built up over time between erstwhile enemies, at the level of grassroots leadership, which consistently provided a conflict management resource. According to an article in the Mail and Guardian at the time (18.6.93), grassroots meetings between members and supporters of rival political organisations under the auspices of the NPA provided the greatest

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169 Anstey (1999: 285 - 299, 1993) provides an instructive account of how peacekeeping, peacebuilding and peacemaking mechanisms were all brought to bear on a conflict episode in the Eastern Cape, from the development of rules for the conduct of political demonstrations, through sensitive policing, to the use of what he calls “muscle mediation”. Collectively, the responsibility for non-violent demonstrations lay with what he calls the safety triangle, of police, government authorities and the organizers of the protest. (1999: 285).

170 This author, as trainer of conflict handling skills to Local Peace Committee members in the Karoo region frequently noted a number of members of the Conservative Party, that had not signed the NPA, who were actively involved in the training process, and who contributed very constructively to the activities of those committees. The same was true of members of the PAC in the Port Elizabeth region. This is further supported by McCall and Duncan (2000: 166), who write that “...the genius of the NPA lies in its (top-down) creation of the system of regional and local committees to eventually engage the grassroots leaders in bringing the spirit of the NPA codes alive in localized contexts.”

hope for peace in South Africa. Similarly, Lederach sees one of the key roles of the NPA as having been the identification of key individuals in critical locations to work to build an infrastructure “capable of sustaining the general progression towards peace” (1997: 51).

- As a national organisation, the Peace Secretariat provided a network of communications through which learning could be transferred from one context to another throughout the country. The interactions which took place between various government officials and other stakeholders within the RPC's and LPC's provided a context for communication and trust-building which had not been previously available in the country.<sup>171</sup> The government's Directorate for Internal Peace Institutions of the Department of Home Affairs, the key government link to the NPA structures, was for instance able to build trust with the National Peace Secretariat and the peace committees, as well as with the political parties, by demonstrating its commitment to peace through entering into dangerous situations, alongside the peace monitors (Camay and Gordon, 2002: 19). The LPCs also provided the police with a forum to communicate their own concerns and views to the other stakeholders, whilst simultaneously providing an opportunity for the monitoring of police activities in turn. Given the history of illegitimacy of the South African Police, and its poor record of relations with the general South African population, this development was very important in improving that relationship with a consequential improvement of stability and predictability (Camay and Gordon, p 22). The principle of forging links between the police and community leadership that took place under the auspices of the NPA promoted the concept of community policing in South Africa (Camay & Gordon, p23).
- The extremely broad range of organisations which were active in the peace structures was a considerable source of strength. Not only were almost all the political parties represented on its structures, but so were the police,

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171 For a discussion of how the NPA structures provided a communications network, see for instance Pirashaw Camay and Anne Gordon's NPA case study (2002: 19) For further support, see also Mc Call and Duncan (2000: 166).

academic institutions, and many non-governmental organisations. Ball supports this when she writes that "...RPC members were recruited from a wide range of civil society organizations, local and tribal authorities, and the security forces" (1997:4). International observers also regularly attended the meetings of local and regional peace committees as their chief means of remaining abreast of political developments in the country (Tessendorf, 1994, Gounden and Solomon, 2001).

- A culture of peace began to develop, and to replace the culture of violence which had dominated South African politics thus far. Peace songs, T-shirts, badges, the celebration of peace days, and art competitions, and peace work, such as conflict intervention and monitoring provided an alternative identity definition for many among the alienated population. In the words of Gounden and Solomon (2001), "The NPA made provision for the establishment of regional and local peace committees in every locality in South Africa. The result was the spontaneous development of a national 'peace culture' from grassroots level to the national political leadership. This 'culture' did not end the violence but arguably, it did mitigate the violence. It was the buffer that insulated the peace process and ensured that, despite the high levels of violence in the country, the negotiation process could continue." The Reverend Peter Woods, erstwhile LPC chairperson sees the standout accomplishment of the NPA as providing an exemplary modelling of non-racial, multi-party decision making for the first time in South Africa (Personal Interview: 2005).
- The nature of the NPA was largely voluntary.<sup>172</sup> The point has sometimes been made, alluding to a weakness of the NPA, that much of the accord lacked any basis in law; that it was a voluntary association, with some of the political parties deliberately absenting themselves from its structures. The point can be made here, however, that the very voluntary nature of the accord constituted a source of strength in terms of conflict management theory, so

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<sup>172</sup> See for instance McCall and Duncan, (2000:168).



that those parties that participated did so of their own volition. They take ownership of their own conflict, and participate on the basis of free choice. They have “bought into” the arrangement and therefore do have a reason to make it work. It is, for instance the very voluntary nature of negotiation that is often presented as the source of its effectiveness, and the same can be said for the South African NPA.

### **7.11 Shortcomings of the National Peace Accord**

The Peace Accord had its shortcomings. According to Nossel and Shaer (1992), the NPA provided measures to bolster peace, but was not a pro-active body to anticipate conflict. In this regard, it was crisis-driven, rather than strategically driven. Illustrative of this is the fact that local and regional committees were initially called dispute resolution committees, which implies something of a reactive approach. Although they were later renamed “peace committees”, their approach, according to this view remained essentially reactive. Finances were always available for mediation, for instance, but not necessarily for relationship-building and problem-solving exercises which might have addressed the deeper aspects of the conflict.

Collin Marks has added that the NPA was too white, with whites occupying many of the important positions, and that women were seriously underrepresented (2000: 13).

Although the political parties and interest groups concerned with the management of the South African conflict were convinced of the need for the National Peace Accord, and initially supported it at national level with great enthusiasm; once it had been established, they focused their attention back on the “first track” process - the national constitutional negotiations. Even after the Codesa talks broke down, and the peace structures provided a second track which assisted the parties in reaching the negotiating table for the second time, the national leadership of the parties soon left the Peace Accord and its

structures to its own devices. In fact, the top level political leadership were remiss in their treatment of the accord structures, so that the National Peace Committee only ever met once. The result was an appalling lack of vision, and planning for the future of the Accord at the very top level. This is a perspective that one repeatedly detects in discussions with those involved in the process (Personal Interview: Woods, 2005).

In this regard, one of the greatest strengths of the National Peace Accord; the representivity of its top structures, including the presence of high-level political leadership; also proved to be one of its greatest undoings, as the political leadership always had other roles to play, so that after their initial, supportive activity, they were attracted by the perceived greater rewards of involvement in the negotiation process and the business of politics. McCall and Duncan provide support for this assertion as they write: “The attention of the political elites was deflected from the NPA by their rapid passage to second and third steps in that transition, before most of the Accord ever got started” (2000:168).

The Peace Accord needed more than the part time consideration of a few otherwise very busy politicians and business leaders in its highest structures. There had always been a pressing need for the involvement of conflict resolution specialists in the decision-making hierarchy of the national organisation. The greatest failure of the NPA as an effective CMS was its inability to deal with change and to adjust its vision to accommodate a democratic, but transitional and extremely tense phase of political life in South Africa.

The Peace Accord was established at a time when it seemed that violence in South Africa was going to prevent or severely hinder the negotiating process. Once that process got off the ground, however, the parties to the negotiations lost much of their interest in the Accord and left it to sort out its own problems. It was largely left without a vision for transformation in a post-democratic South Africa. Many of the leaders, including those eventually in the new government,

could not be blamed for believing that the new, legitimate government would not be faced with high levels of violence, and that a legitimate, post-democratic police service would easily be able to act in circumstances of public disorder.

Another very serious shortcoming of the peace accord was its failure to address the socio-economic reconstruction and development (SERD) aspect of its brief. Although socio-economic reconstruction was an important aspect of the thinking behind the accord, the SERD structures were set up quite late, and did not become operative in most places (see for instance, McCall and Duncan, 2000). There was also a fear that attempts to address development issues would give rise to even greater conflict, in that the accord structures would be seen to be assisting some at the expense of others (Shaw, 1993: 9). There was a feeling that this aspect would make the initiative ultimately unworkable, and place the entire accord in jeopardy. From the perspective of conflict resolution, this is quite unfortunate, as this was one of the elements of the NPA that was intended to address deep-rooted aspects of the conflict. It was Azar, for instance who proposed what he called “development diplomacy” as the intervention strategy to be used in situations of protracted social conflict (Azar, 1991).

The point has also been made by some that the NPA was biased towards a western concept of conflict management, that was not fully responsive towards some of the challenges of its Third World context. For instance, the importance of traditional leadership was undervalued, socioeconomic and linguistic realities were ignored, spatial segregation made travel to and from meetings expensive and dangerous for some. Political intolerance, a culture of violence, two contrasting police cultures, and a lack of organizational discipline also posed serious obstacles (McCall and Duncan, 2000: 168).

One of the glaring shortcomings of the NPA related to its failure to bring about immediate behavioural changes to the South African Police. This has been well-documented, but Rauch (1992) is representative of the literature that stresses the

lack of enforcement measures pertaining to the code of conduct for the police, and police perception of the NPA as external meddling in their affairs. Far more important, however, is the longer-term impact of police collaboration in committees and joint management centres within the peace structures mentioned on pages 216, 217 and 218 above.

### **7.12 The National Peace Accord as a Missed Opportunity for Building Conflict Resolution**

The literature on Conflict Management Systems, Jim Laue's Community Conflict Intervention, and John Burton's vision of conflict *provention* as a political system, all represent, in slightly different forms, the acme of the conflict regulator's objective - the institutionalization of conflict intervention, on a more or less permanent, self-sustaining and inclusive basis. This "Holy Grail" of conflict intervention, with its elements of social justice, reform and re-institutionalisation, is generally recognised as being an extremely elusive development, never fully achieved anywhere, but is also recognized by some as having been fleetingly embodied in the South African Peace Accord.<sup>173</sup>

A number of scholars, interested in the development of the conflict resolution field, especially as it pertains to deep-rooted social conflict believed that the South African National Peace Accord was an extremely important development with great potential for moving conflict management forward to a higher, more transformative level. For Bradshaw (1994), the Peace Accord represented an opportunity to institutionalise conflict management and resolution as John Burton (1992) had called for. Similarly, for McCall and Duncan (2000), the Accord and its structures represented an opportunity to achieve the Community Conflict Intervention vision of Jim Laue, Burton's colleague at George Mason University;

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<sup>173</sup> In this regard, see, for instance, Bradshaw, (1994), for parallels with conflict management systems, and McCall and Duncan, (2000), where the authors elaborate on the ways in which the NPA resonates with Jim Laue's vision of a developmental track for Community Conflict Intervention. Burton, (1992), in his calls for conflict *provention* seems to suggest the need in deep rooted conflicts for some of the attributes reflected in the NPA.

something that even the mediation movement in the United States had been unable to achieve<sup>174</sup>.

From a Conflict resolution perspective, the National Peace Accord consequently represents an important missed opportunity for taking conflict management and resolution thinking on to the next plane of implementation, and was therefore brought to an untimely end in South Africa.

### **7.13 After the Peace Accord:**

In the wake of the dissolution of the NPA, the high levels of violence continued, and the potential for even higher levels remained. One could point to taxi violence, unruly sports crowds, political turf battles, rising expectations and tensions over development issues. Tensions between the white right wing and the government, and tensions within the Zulu nation, as well as between the IFP and the ANC also remained serious, giving rise to violence from time to time. In some areas, including the Natal midlands, the peace structures were given a slightly extended lease of life as a result.

Camay and Gordon also list a number of challenges facing the fledgling South African democracy in the period after the 1994 election, that might have been dealt with more effectively by the structures of the National Peace Accord. These included a lack of credible and fully legitimate local government authorities as an

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174 According to Laue, if the field of Community Conflict Intervention was going to flourish, it would have to enter a developmental track, and it would have to meet three distinct criteria:

- It should focus more on preventive and policy-making functions
- It should establish cross-level linkages “the linking of community and national peacemaking, with international peacemaking, and
- It should achieve through the formation of an umbrella organization of a “critical mass in conflict intervention...”

McCall and Duncan indicate that to some extent, all of these criteria were met in the South African National Peace Accord structures (McCall and Duncan, 2000: 161- 163).

agent of community conflict resolution. The related problem of effective coordination of the Reconstruction and Development Programme that also failed to address the embedded, deep-seated community conflicts created by the apartheid state, which ultimately contributed to the eventual demise in 1996 of the RDP office ( 2000).

The seemingly uncontrollable crime wave that continued to impact South Africa was also met with a largely uncoordinated response. Community Police forums were eventually established, largely based on the local peace committee model, and often with the assistance of former members of the peace committees. Vigilantism to deal with the crime wave had also emerged in places. Lusaka (1994) also believes that the NPA structures would have been able to address community conflicts, including SDU/SPU conflicts, and faction fighting around the country. The Eastern Transvaal, East Rand, West Rand, Eastern Cape, Kwazulu/Natal were all affected at the time of his writing. He indicates how the peace committee structures could have contributed towards conflict resolution in the context of development conflicts, through facilitation and mediation efforts, and by playing a role in monitoring the local government elections. Interestingly, he additionally identifies a role for the structures in longer term reconciliation efforts, and predicts, quite perceptively, that the dialogue around the RDP would remain constrained by underlying interests that would inevitably result in “power struggle or a conflict over scarce resources”, in the absence of the role that the peace structures could play. Camay and Gordon support the view that “Some feeling remained that retaining the NPA and its structures would have been more effective.” Bradshaw (1994) writes that “The undoubted legitimacy of the new democratically-elected government will not enable it to maintain the peace alone. A wave of unmet, unrealistic and rising expectations is going to have to be met by the new South African Police alone, without the intervention of large numbers of experienced, and trained peace workers... [the government] has promised the people an RDP, with justification. It believes, again justifiably, that it is legitimate, and should therefore have no need for specialised agencies to keep the peace.

International funding agencies have, furthermore, switched their funding focus, quite understandably, to education and development priorities.” The point is made by Bradshaw (1994), however, that money and energy committed to education and development projects, desperately necessary though these were, was unlikely to deliver the results that the donors would wish for, if there were not simultaneously a huge effort put into peace-building initiatives.

Susan Collin Marks reflects the views of many who were involved with the peace structures when she makes the point that "Given the extraordinary work of the peace committees and peace workers, it was a shock when South Africa's new democratic government closed down the Peace Accord structures in December 1994. Everyone associated with the peace process was outraged. The peace committees had understood that after the 1994 election their role would change, and they had worked together to propose a trimmed-down, reoriented, realistic vision for their future. Instead, within six months, they were disbanded, despite the protests of communities such as Crossroads that depended on the committees for their stability." (2000: 192)

There clearly was an expectation in some high places, that the structures had an ongoing role to play. The continuation of the structures were, for instance, implied by president Nelson Mandela in his 24 May 1994 address to the National Assembly as follows: “We have also decided that all relevant ministries should engage the structures set up in terms of the National Peace Accord so that these can be invigorated to pursue their noble mission in the context of the changed circumstances in our country.”

Later, in its own report to Parliament in August 1994, the NPS did, indeed allude to the fact that it was to change its focus towards “...long term goals of reconstruction, reconciliation and nation-building” while retaining its monitoring and conflict resolution functions. DP senator James Selfe, while noting its

particular strengths, also advised continued government support for the Peace Accord structures (Hansard, 1 November, 1994: 331).

Paul Lusaka (1994a, 1994b), a member of the Peace Secretariat correctly maintains that the structures of the Peace Accord were initially established “without a time frame”, implying that there had been an assumption in favour of their continuation, and that there was only subsequently a “regrettable perception” that they had actually been established as a stop-gap measure.

However, after the first democratic general election of 1994, despite the protestations of many of its supporters, the National Assembly voted against renewing the funding of the NPS and its structures. The continuation of support for the Peace structures was debated on 1 November 1994. The issue was raised in the financial context of the overspend of the NPS in respect of the national elections (Hansard, 1 November 1994: 330). Ironically, the government believed that the conflicted RDP structures, themselves doomed to an early demise, would be able to deal with South Africa’s remaining conflict management issues. The Peace Institutions Act, the NPA’s enabling legislation was also repealed, thereby officially signalling the end of the road for the activities and structures of the National Peace Accord.

According to Gastrow, there was no definitive reason, given by the government for the dissolution of the peace structures, although there were intimations that it was to clear the way for the democratic structures to do the work. (Collin Marks, 2000: 192). Collin Marks correctly indicates that the reason for the termination could not have been as a result of financial constraints, given the small size of the budget involved, and the additional fact that the structures had managed to raise the money for an additional year’s operations. She goes on to claim that it could also not have been because the structures were ineffective, or that there was no anticipated future need for them. It was because the government wanted



control, and to avoid competing with the successful structures of the National Peace Accord (Ibid: 192).

It was under these circumstances, that the National Peace Accord was allowed to wind down, despite a demonstrable need, and some support for its continuation. We will next turn our attention to the South African Truth and Reconciliation Commission, South Africa's attempt to deal with the deep-rootedness of its conflict.

## **CHAPTER EIGHT: TRUTH, RECONCILIATION AND RESOLUTION IN SOUTH AFRICA**

Of all these processes, probably the process of reconciliation is the least understood, partly because very little research has been done on it and partly because of the complexity of the symbolic systems that are involved.

(Boulding, 1962: 311)

The Truth and Reconciliation Commission (TRC) represents an attempt to do justice restoratively, but an incomplete attempt. Only time will tell whether the gaps will be fatal.

(Zehr, 1997: 20)

### **8.1 Introduction**

This chapter examines South Africa's Truth and Reconciliation Commission, as an attempt to resolve some of the more deep – rooted aspects of the South African conflict. The focus will only be on the broader aspects of the TRC – including its origins, the motivation behind its establishment and the terms of that establishment. A critical evaluation of the efficacy of the TRC will be provided, within the theoretical framework of the Protracted Social Conflict paradigm of Burton, Azar and others, as a part of the larger focus of this thesis. It is beyond the scope of this study to provide a definitive and comprehensive study of the Truth and Reconciliation Commission in its own right. That work has been done elsewhere<sup>175</sup>. In fact, Verdoolaege and Kerstens (89) state that: "The TRC is one of the most studied political phenomena in Africa...".

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175 See for instance, Alex Boraine's study – *A Country Unmasked* covering the history, accomplishments and major issues of the TRC. Jeffery, in her *The Truth behind the Truth Commission* also provides a comprehensive

In particular, there will be an examination of the relationship between peace, justice, and truth in the reconciliation process. The critical analysis provided is intended to serve a theoretical purpose, and should accordingly be viewed in its theoretical context. It is in no way intended to detract from the largely positive contributions made to South Africa's recovery from apartheid by the TRC.

Many processes characterized the democratic transition in South Africa. Most obviously, there were the talks about talks that led eventually to the CODESA negotiation process, and then the Multi-Party Negotiations. These were followed by the elections themselves, in April 1994, and beyond the elections, the hammering out of the final constitution. During this period, the South African transition produced two dedicated conflict resolution, or conflict management mechanisms, the National Peace Accord (NPA), and the Truth and Reconciliation Commission (TRC).<sup>176</sup>

The National Peace Accord<sup>177</sup> proved extremely effective - providing the short-term conditions for the holding of elections. That is what it was initially designed to do. Once the elections were held, there were no further resources made available to sustain the NPA, and it was eventually discontinued. The prime movers behind the Accord and its structures all found places in the new government or in the private sector (Bradshaw, 1999a:4).

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analysis, as do Coetzee, C., and Nuttal, S. in their book *Negotiating the Past: The Making of Memory in South Africa*. Duxtader, E. and Villa-Vicencio, C. (2004) *To Repair the Irreparable: Reparation and Reconstruction in South Africa*. have also contributed greatly to our understanding of the work of the TRC

176 An account of these processes can be found in Bradshaw, G.J., and Cloete, N. 1999, "Conflict Management in Deep-rooted Social Conflict: Lessons learned in South Africa".

177 The National Peace Accord was specifically intended to deal with the violence that preceded the 1994 election. See Chapter seven above for a detailed analysis of the NPA.

The processes mentioned above, as part of the larger conflict resolving process in South Africa, are not extraordinary. They are much as one might have expected, and flowed quite naturally from the interactions of the parties themselves, muddling their way through the exigencies of conflict and a democratic transition, without the assistance of any specific outside intervention<sup>178</sup>. According to the proponents of the deep-rooted conflict theory, however, such conventional approaches would have been unlikely to prove successful in a situation of protracted conflict. Theoretically, the level of conflict in South Africa needed something deeper to deal with the underlying emotions and needs. The South African conflict involved myriad instances of violence, at multiple levels. Hamber lists some of the forms of violence as follows: “Pervasive structural violence and oppression; extensive state abuses, like torture, assassinations and detention without trial; the use of paid vigilantes and third force operatives to carry out assassinations and terror attacks; large-scale inter-community conflict; armed resistance from the so-called liberation forces; and abuses committed by the liberation forces against those within its own ranks who were suspected of being informers or traitors.”

(Remembering to Forget: 7)

It is widely accepted that these experiences would leave deep scars – not only on the victims, but also on society at large. Such scars would likely get in the way of a full resolution of the South African conflict. It is, for instance, widely accepted that children who have been exposed to the violence of abusive parents will in turn, themselves have a greater chance of growing up to become abusers. The question therefore arises: What about the psychological scarring of the entire generation of South African youngsters, fuelled by massive violence in our townships, or in campaigns against their compatriots inside and outside of the country during military service? What conflict management process could take

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<sup>178</sup> There were indirect forms of assistance to the process- for instance financial aid to the NPA from overseas sources, and assistance in training in respect of conflict management skills etc. on the part of non-South African specialists

care of these deeper hurts? Could the simple product of a negotiated settlement accommodate that level of feeling? Certainly, the proponents of the theory of Protracted Social Conflict would have us believe that it could not.<sup>179</sup>

Clearly, its leadership did realize that South Africa needed an additional process to confront the dark deeds of the past. The mechanism decided upon, was a Truth and Reconciliation Commission similar to the one that had been implemented in Chile. Political agreements (negotiated settlements) take place behind closed doors and are constructed in an arena which is 'closed off' and not [always] harmoniously connected to sentiments, reactions, emotions of the everyday man on the street. Negotiated settlements by themselves may be the blueprint for change and social transformation, but true social transformation can only really begin to be measured if people's lives are transformed as deep rooted social conflicts at 'ground zero' are addressed and systematically and sincerely removed.

The Truth and Reconciliation Commission, unlike the NPA, was not designed to put out fires. Its function was to deal with the longer-range issues. Although never articulated as such, its job was to deal with the protracted aspects of social conflict in South Africa. Leadership had an understanding that the deep-rooted conflict could not simply be put aside by a negotiated compromise. The pain of the past had to be worked through in a longer-term and more thorough process (Asmal, 1996: 6 – 11). Conflict theorists and social scientists more generally all tell us that this is the necessary and difficult path out of deep-rooted social conflict. We therefore examine more closely the origins of the TRC and the motivations for its establishment.

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179 See for instance the following works of John Burton: *Deviance Terrorism and War* (1979), and *Global Conflict: The Domestic Sources of International Disputes* (1984), for extensive discussion of the weaknesses of conventional negotiation and mediation in situations of deep-rooted social conflict, and the need for Problem-Solving Workshops, or similar processes to deal with it.

## 8.2 Origins of the Truth and Reconciliation Commission

The South African Truth and Reconciliation Commission resulted from the flowing together of a number of initiatives in the early 1990's. According to Alex Boraine, the idea of a truth commission emanated from the African National Congress, in response to accusations levelled against it of human rights abuses in some of its training camps outside of South Africa (2000:11).

Having held its own commissions of inquiry in response to these allegations, and to create a more thorough understanding of human rights abuses, it believed that there was a need for a process by which all parties to the South African Conflict would be held accountable for their past actions.

The chief mandate given by the National Executive Committee of the ANC for the establishment of a Truth and Reconciliation Commission was simply, "...to get to the truth" (Asmal, K.,1994). 'Getting to the truth' implies a search, a quest, a journey, with 'truth' being perceived as the ultimate destination. Truth can also be considered to be an article of faith, however.<sup>4</sup> Louis Kriesberg attempts to answer the eternal question of the true nature of truth as he begins constructing his own argument in: 'On advancing Truth and Morality' with the following statement: "Truth, traditionally considered, is the accurate depiction of reality; it is defined as the correct understanding of what has happened in the past and what is happening now. This assumes that there is a reality that exists independently of the observers and is knowable by them. The whole truth may not be known, but knowledge is cumulative and seekers can help move forward toward an increasingly accurate view of truth."<sup>180</sup>

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<sup>180</sup> See Kriesberg's quote and further exploration of the themes of truth, justice and morality at <http://www.gmu.edu/academic/pcs/Kriesberg61PCS.html>

Truth (and knowledge for that matter) is based on the building together of fragments from the past (and present). Some fragments may be lost in the course of time, others may remain only partially or wholly intact, but nonetheless, these are all stitched together across time and space – reconstructed in present and future social contexts – gazed upon, assessed, discussed, analysed and interpreted by others, including individuals, professional scholars, laymen, councils, courts, tribunals and the like, and of course; truth commissions in countries like Chile, Argentina, and South Africa. The complex nature of truth in the South African political context is admirably illuminated by Posel and Simpson (2002).

In this guise, to be juxtaposed and complimentary to the NPA, the TRC would in effect; be the instrument through which peace-building could potentially be actualised. Peace making is usually the precursor to peace building; contending social actors (parties) make an official and sincere commitment to 'lay down arms' and cease overt conflicts at the level of the surface structure. Peace-building "cements" the peace process, and sustains it.

Kader Asmal also produced preliminary work towards the preparation of an indictment against apartheid that was never completed, due to the historical announcements of President F.W. De Klerk on the second of February, 1990 (Boraine, et.al., 1994: 34), and the events that followed. Asmal next gave form and content to the ANC's proposal for the establishment of a post – settlement truth commission in his inaugural lecture at the University of the Western Cape on 25 May, 1992 (Boraine, 1994: ix - xvii).

There were, around 1992, other initiatives as well that would add to the impetus for a truth commission. It was while on study visits to Eastern European societies

in transitions to democracy, that an IDASA<sup>181</sup>-sponsored group, including Boraine and others, was first drawn to the issue of how societies deal with past human rights violations (Boraine, 2000: 14 - 16).

This theme inspired the subsequent organisation of a conference held in Somerset West in February 1994, that included as participants a number of very prominent human rights scholars and activists from Latin America, Eastern Europe and South Africa, to consider the problem, and shed light on the matter of a truth commission for South Africa (Boraine, 1994, ix – xvii). A number of ideas were generated that eventually informed the design of the TRC. A second conference, entitled “Truth and Reconciliation”, was held in Cape Town, with a more South African focus. The new Minister of Justice, Dullah Omar developed the keynote address. This conference further developed the idea of a truth commission, which was by now, also being taken forward in government circles.

The ANC had approached Boraine about steps to be taken to translate the ideas on a Truth Commission into a plan of action (Boraine, 2001: 30). This eventually resulted in Boraine sending Nelson Mandela a draft proposal for such a Commission. After the 1994 election, the Minister of Justice, Dullah Omar and Boraine worked in partnership to bring the TRC design to fruition.

Following much input from civil society, and after extensive hearings, the South African Parliament passed the Promotion of National Unity and Reconciliation Act (Act 34 of 1995) in July 1995, which was the enabling act for the TRC.<sup>182</sup>

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181 IDASA stands for Institute for a Democratic Alternative in South Africa and is an organization responsible for organising meetings of prominent Afrikaners with ANC leadership – most notably in Dakar, as discussed in Chapter six above – as well as other forms of conflict facilitation.

182 See Alex Boraine's Book, *A Country Unmasked*, for a detailed account, including meetings, hearings and submissions, of the process behind the promulgation of the act.



After a public nomination and selection process, seventeen commissioners were appointed, based on their impartiality, because they did not have too prominent a political profile, and by reason of the fact that they represented a broad cross-section of the population. Archbishop Desmond Tutu was appointed to chair the commission (Hayner, 2001: 41).

### **8.3 The Organisational Structure of the TRC:**

The Act made provision for three committees.

#### **8.3.1 The Committee on Human Rights Violations**

Provided for under section 12 of the Promotion of National Unity Act of 1995, this committee was responsible for investigating cases of human rights violations committed in a political context between 1 March 1960 and 9 May 1994. This committee gave people who suffered human rights violations an opportunity to tell their stories and to speak of their losses and suffering. It decided whether someone was a victim as defined in the law governing the work of the Commission. The committee was assigned the task of investigating these violations, finding out who was responsible, how they happened and the holding of public hearings. It was tasked with ultimately submitting a comprehensive report of its findings and recommendations.

#### **8.3.2 The Committee on Amnesty**

The amnesty committee processed and decided upon individual applications for amnesty from people who committed crimes or human rights violations within a political context in accordance with strict criteria for amnesty. Although this can be somewhat ambiguous, certain standards, known as “Norgaard Principles”<sup>183</sup> were nevertheless utilised to gauge the degree of political intent behind a crime. This committee had to facilitate and promote the granting of amnesty to perpetrators. The TRC advocated individual application for amnesty, rather than

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<sup>183</sup> Norgaard Principles see <http://www.?”>

blanket amnesty.<sup>184</sup> Applicants were required to make full disclosures of offences in order to qualify for amnesty and had to appear before the amnesty committee in hearings that were open to the public. If someone was given amnesty, the people who suffered as a result of their actions could not claim damages or lay criminal charges against them. In many instances this aspect proved to be a bone of contention.

### **8.3.3 The Committee on Reparation and Rehabilitation**

Provided for under section 23 of the Act, this committee received applications for reparations from any person who was of the opinion that they suffered great harm, loss and/or suffering as a result of human rights violations. After the consideration of each individual application, the committee would determine whether the applicant qualified for reparation and rehabilitation and would endeavour to restore human dignity in some way. However, the problem which persists and which hampered the success of the TRC in this matter was a consistent lack of resources and access to funding (Hayner, 2001:41, 42).

At its second, full meeting, the commission also decided to maintain regional offices in four centres, being Cape Town, Johannesburg, Durban and East London (Truth and Reconciliation Commission Report: p 24).

## **8.4 Motivation for the Establishment of the TRC:**

Some of the motivation for the establishment of the Commission has already been discussed in the section on its origins. However, if we are to properly evaluate the TRC as a conflict management mechanism within a strict context of the theory on Protracted Social Conflict, it is important that we know what the motivations were of its founders.

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<sup>184</sup> See 'the case of the ANC 37' by Lorna McGregor in *The American Journal of International Law*, Vol. 95, No. 1 (Jan., 2001), 32-45

According to the report of the commission: “The Promotion of National Unity and Reconciliation Act charged the Truth and Reconciliation Commission with investigating and documenting gross human rights violations committed within or outside South Africa in the period 1960-1994.” (TRC Report, Vol 1 Chap 2 p 1).

As has been mentioned before, the prime motivation was therefore to be the uncovering of the truth. Many of the atrocities committed on all sides, were committed clandestinely, and were denied by both the apartheid state and its challengers. The “common-sense” point has repeatedly been made in the literature on the TRC, that, if there was to be any forgiveness to underpin a new, democratic society in South Africa, then the victims had to know whom they were forgiving, and what they were forgiving them for, at the very least (Hamber, n.d., Hayner, 2001, Boraine, 1996).

Beyond this primary motivation, however, are a number of other secondary motivations that are extensively articulated in the enabling legislation, the report of the TRC and the vast quantity of academic literature that the commission has inspired. These motivations are essentially derivative – they spell out the reasons “why” the truth is important.

Boraine summarises the following as the aims of the TRC as formulated by the Minister of Justice:

- To return to victims their civil and human rights
- To restore the moral order
- To grant amnesty to those who qualified for it
- To create a culture of human rights and respect for the rule of law
- To prevent the violations of the past from ever happening again

(Boraine,2000: 47,48)

Omar, quoted by Boraine elsewhere, also describes the aim of the TRC as follows: “To facilitate the healing of our deeply divided society on a morally acceptable basis” (Boraine, 2000:71).

Indeed, the use of terminology including the healing concept became increasingly significant. Andre du Toit, as quoted by Minow (1998: 321) makes the point that as various religious leaders became more involved in the work of the commission, religious style and symbolism replaced the political and human rights concerns. In his opening address of the first meeting of the TRC, the Commission’s Chairperson, Archbishop Desmond Tutu stated that: “...we are a wounded people...we are all in need of healing” (Wilson, 1996: 15).

The terms *healing*<sup>185</sup>, and *reconciliation* resonate deeply with the language of the Basic Human Needs scholars, and their quest for the complete resolution, as opposed to the mere settlement, of conflict. It is here that the role of the Truth Commission becomes interesting from the perspective of this thesis. The relationships between the telling and hearing of the truth, and the process of healing and the dispensing of justice are relationships that will be examined in greater detail later in this chapter. The transformation from individual healing to national reconciliation is also one that bears closer examination.

## **8.5 The need for healing**

As has already been alluded to, the term “healing” has become one of the oft-stated purposes of the South African Truth and Reconciliation Commission (Allen, 1999: 348). The point has also been abundantly made, that apartheid, and the struggle to overthrow it produced extensive violence, that will have traumatised many, and left scars on the collective South African psyche. Hamber, for instance is of the opinion that “the pervasive nature of the violence has

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<sup>185</sup> See, for instance Vayranen ( 1998 ) for a discussion of the use of medical metaphors in the work of John Burton.

undermined the moral, interpersonal and social fabric of the society” (1995:3). Kollapen, in the same vein, argues that, given the post-election scenario of nation-building and a government of national unity and national reconciliation, the focus of any pertinent and efficacious way forward should be on “healing”: “It follows therefore that there has to be a diagnosis of what transpired, why it transpired and ultimately who was responsible. The history and the interests of all South Africans would certainly demand nothing less” (Kollapen, cited in Liebenberg 1996: 127). Otherwise we face an enduring and corrosive silence, misled by an unweighted perspective of the past.

Whatever emerges, one of the main objectives of the TRC is that it enables South Africans to come to terms with their past (Dullah Omar 1994, in an interview cited in Liebenberg 1996: 133). People have been dehumanised, and citizens and their rights abused. Minow (1998, 319), makes a statement reflecting a common assumption, and then asks the following important question: “...expose the terrible secrets of a sick society and heal that society. Is this an assertion that can be tested, or instead an article of professional, cultural, or religious faith?

Numerous scholars assert the importance of a telling of the truth, or the accounting of the stories of the victims of human rights abuses, as a very important step in the healing process. It is regarded by many as an almost self-evident tenet of psychology. For instance, Minow, quoting Herman’s work asserts that: “The fundamental premise of the psychotherapeutic work is a belief in the restorative power of truth-telling”.

Hayner supports this assertion as follows: “There is a multitude of studies showing that repressing intense emotional pain leads to psychological trouble. Indeed, one of the cornerstones of modern-day psychology is the belief that expressing one’s feelings, and especially talking out traumatic experiences is necessary for recovery and for psychological health - It is often asserted that

following a period of massive political violence and enforced silence, simply giving victims and witnesses a chance to tell their stories to an official commission - especially one that is respectful, nonconfrontational, and interested in their stories - can help them regain their dignity and begin to recover” (2001:134).

This argument is further supported by other scholars, such as Hamber (1995: 3 - 5). It is focused, very specifically, only on the very individuals who suffered gross human rights violations. It is a psychologist’s perspective on the healing of traumatized individuals.

The critical question that needs to be considered here, is whether the emphasis should be on the few individuals who have been specifically victimised, or whether the focus should be on the society as a whole? Furthermore, the question arises whether the treatment of a group of individuals, in the form of Psychotherapy for Post Traumatic Stress Disorder-like symptoms is transferable to the nation as a whole? Does that perhaps require something totally different?

### **8.5.1 Individual, Versus National Healing**

Giliomee has called the activity of the truth commission, the practice of “mass psychiatry”. This statement brings into focus one of the tensions in the activity of the TRC. Winslow (1997:24) makes a vital point in this regard: “The ultimate objective of the TRC, it would seem, is to heal ‘victims’, heal ‘perpetrators’, and ‘heal’ the nation. But is it possible to heal both individuals and the nation at the same time and through the same process?”<sup>186</sup> There are different dynamics operating within individuals and larger social systems such as families, communities and nations. Individuals comprising a social system, have to make certain adjustments and surrender a part of their total personalities as soon as they become a part of the matrix of the social system – the seething mass assumes a different nature and identity to that of a solitary individual.

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As Michael Ignatieff (1996) puts it: “It is perilous to extrapolate from traumatized individuals to whole societies. It is simply an extravagant metaphor to think of societies coming awake from nightmare. The only coming awake that makes sense to speak of is one by one, individual by individual, in the recesses of their own identities. Nations...cannot be reconciled to other nations, only individuals to individuals...individuals can be helped to heal and to reconcile by public rituals of atonement.”

Winslow, as a trauma counsellor, is most concerned about the experience of the individual victims who have testified before the commission. He does go on to state that he is of the considered opinion, that the opportunity for healing for those individuals giving testimony is very limited, especially due to the fact that they do not have the same support available, as is typically afforded to those undergoing psychotherapy. He is of the opinion that while the nation may be a net beneficiary of this process, the actual victims would likely remain the losers (Winslow, 1997: 24 – 28, 40 - 42).<sup>187</sup>

This study finds that a highly questionable conclusion on a number of counts. Firstly, it is almost impossible to tell what effect the hearings have on the rest of society. It is quite likely that although some will be healed, others will be frustrated, many will be hurt, and others outraged by them. Secondly, it is furthermore difficult to tell the extent to which hearings were available to all and sundry through the mass media, as not all South Africans have access to television sets. Thirdly, and more importantly, is the question of whether psychotherapy can be conducted at a distance and by proxy. Finally, the deeper, less specific hurts; the comprehensive poverty caused by exclusion and oppression in general, were also not a subject of the hearings, and these are perhaps the most pervasive, structural legacy of apartheid.

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The structural conflict induced by the policy of social engineering (apartheid) had generated a highly stratified, deeply divided country with deep social cleavages and imbalances – between rich and poor – black and white and all other colours and creeds in between. All of this had created a lasting, enduring legacy of deep rooted social problems as part of the mosaic of deep rooted social conflict. These included, and still include: crime, poor housing, poor service delivery, overcrowding, and the like. These affect life at the basic human needs level, the lives of each and every individual in marginalized, crime ridden and poverty stricken communities across the country. As Johan Galtung puts it: “Our concern is with human needs, and that is meant needs that are located, if not necessarily perceived, in individual human beings. The need-subject is the individual.” Galtung (1980:60).

We agree with Ignatieff when he writes: that it is perilous to extrapolate from traumatised individuals to whole societies. He does make the point that “...individuals can be helped to heal and to reconcile by public rituals of atonement.”(1996). Unfortunately, in the South African case, there was very little in the way of such public atonement, especially from the former political leadership, who largely kept silent on the matter<sup>188</sup>.

## **8.6 The value of truth**

The Promotion of National Unity and Reconciliation Act is based on the principle that reconciliation depends on forgiveness, and that forgiveness can only materialise if events and admissions are fully disclosed. President Nelson Mandela said in 1995 after the signing of the Act that “...only the truth can put the past to rest” (Frost, 1998: 140), and as Dirk Coetzee, the self-confessed killer responsible for the deaths of the Cradock Four has suggested, “...you can’t forgive and forget the past if you don’t know what it is” (Frost, 1998: 159).

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<sup>188</sup> There have, however been some very sporadic and belated incidences of forgiveness making; for instance, the much-publicised foot washing of the Rev Frank Chikane, by former Police minister, Adriaan Vlok.



According to the then Minister of Justice, Dullah Omar, "If we sweep things under the carpet, reconciliation will be short-lived" (Newsweek, Nov 13: 1995).<sup>189</sup>

Regardless of the ability of a truth commission to contribute to national healing, or reconciliation, it can at least, through the hearing of victims' narratives, accomplish some very useful goals. The collected information from amnesty applicants will help provide a fuller picture of the past, to provide a public record of atrocities, so that those atrocities cannot easily be repeated in future. In this sense, the truth commission can provide a fuller account of the history of a regime, than the more specific information elicited at a trial. It can help the survivors of atrocities regain trust in government (Minnow, 1998: 325 - 339). Because of the secretive nature of the vast majority of the abuses that have taken place in South Africa, one of the great values of the uncovering of the truth is that it will make it impossible for the perpetrators to continue denying the very existence of those atrocities. The telling and hearing of the truth will also allow the victims to interact with their abusers, in a more assertive way; in a different power relationship. Even the usefulness of truth telling and hearing is not entirely a simple matter, however, it can be quite problematic. Ignatieff (1996) makes the point that: "The idea that reconciliation depends on shared truth presumes that shared truth about the past is possible." But he goes on to explain that truth is always related to identity. What we believe to be true depends, to some extent at

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189 Of course, the truth as sufficient condition to put the wrongs of past to rest, is not an easy condition to achieve since, as has been stated above, knowledge and truth are available in fragments (journals, documents, diaries, oral tradition, only. Some of these fragments become distorted, damaged (deliberately or otherwise) lost, misinterpreted and so forth. Truth is largely then a matter of perspective, perception, degree of socialization etcetera, and differs from culture to culture, person to person, race to class to community.

Therefore, which 'truth' does mister Mandela refer to, since 'truth' depends upon facts or data which can be distorted, lost, blocked, reconfigured and so on. How can anyone be sure of the truth and use this as the sole foundation for healing, healing, reconciliation or transformation. We need to be more aware of the problems and complexities of the truth and look beyond it (though never discard it) bearing in mind its often highly inconsistent and fragmented nature. Other resources and needs [fairness, justice, morality, basic human needs] have to be considered in conjunction with 'the truth' (whatever our interpretation of that concept might be) if healing and reconciliation, forgiveness and mercy are to be hoped for and aspired to.

least, on who we believe ourselves to be, and that is often defined in terms of who we are not.

### **8.7 The amnesty question, and truth versus justice**

As has already been mentioned, the South African TRC drew from the experiences of previous truth commissions, such as those of Argentina and Chile, that had to deal with their pasts by means of appointed or commissioned bodies. Although the TRC had chosen to draw most heavily on the Chilean model, rather than any of the others, it had also tried to avoid the pitfalls of other commissions. Whilst attending a discussion of the Argentinean commission, Liebenberg has noted that while that commission “succeeded commendably during the ‘truth phase’ in unearthing and exposing the past, it fell short during the ‘justice phase’ in dealing with the perpetrators of human rights abuses and providing restitution for victims”(Liebenberg, 1996: 140).

Although truth may be a necessary component of the reconciliation process, it is certainly not a sufficient component. As conflict resolution scholars Davidson and Montville put it “overcoming psychological barriers does not resolve a conflict” (1982:153), and Ignatieff (1996) has written that it is open to doubt whether truth actually heals. However, once barriers are removed, there is scope for new social possibilities.

The South African Truth Commission was unique among truth commissions, in that it had been the only such commission empowered to grant amnesty to perpetrators of abuses under the act. It is probably this aspect of the TRC that has given rise to the most intense criticism. Most prominently, Amnesty International has opposed the South African TRC because of the impunity that it allowed human rights abusers (Holkeboer, 2004: 150).<sup>190</sup>

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<sup>190</sup> In the pursuit of the truth as one means to healing and reconciliation, the TRC was faced with the following dilemma, which dogged it for most of its existence. This dilemma involved or was brought about by the conflict of

Barney Desai of the Pan Africanist Congress stated the following concerning the Commission: “The cries of torture and abuse still ring in our ears. The Fallen are deeply etched in our memory. The millions who were forcibly removed from their homes remain bewildered and disorientated. The abused know their abusers and they are now the accusers. They seek justice, they seek retribution for the atrocities committed against them...[South Africans] would be living in a fool's paradise if we believed that merely telling the truth will end human rights abuses...”(quoted in Boraine, Levy and Scheffer 1994:xii – xiii).

H. W. Van der Merwe, one of the foremost South African Scholars working in the conflict field more than a decade prior to the establishment of the TRC, wrote at length on the relationship between peace and justice in resolving conflict in South Africa. He made it abundantly clear that although neither value was perfectly and fully available, the idea of peace without justice in the South African context would fall far short of the mark (1989:1-3). Although he was writing before the South African transition to democracy, about the fact that peace would not be attainable without at least a political transformation to a more participative and more equal society, the point still holds. There is the important issue of the need for justice to be done and for justice to be seen to be done if peace is to have its

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data [a critical variable in the pursuit of 'the truth.']. The latter involves the blocking, removal, and or, the destruction of certain vital fragments of information (documents pertaining to orders issued by those higher up in the Apartheid Security, Police and Intelligence Services' chain of command, instructing subordinates to proceed with assassinations, intimidation, removal or silencing of subversives, and so on. As Stephen Garret (in *Models of Transitional Justice*) puts it: “As to the former Apartheid regime itself, one issue that dogged the TRC's deliberations was the question of responsibility. Many lower- ranking police officers offered the predictable defence that even if they had done wrong, they had done so at the specific command of their superiors. The farther up the chain of command the TRC went, however, the more their difficulties increased. In the last months of the de Klerk government, a massive pruning of government documents was undertaken and millions of pieces of evidence were either burned or consigned to the paper shredders. This allowed former top figures in the government to argue that they had never ordered any atrocities and to challenge the TRC to find actual evidence that they ever done so. The lack of a tangible paper trail of responsibility made it easier for critics of the TRC to question the commission's final findings. President de Klerk himself was able to persuade a court to black out a part of the final TRC report that implicated him in human rights abuses.” [http: //www.ciaonet.org/isa/gas02/](http://www.ciaonet.org/isa/gas02/)

full meaning. Others have also explored this theme, and state the case for a relationship between peace and justice.<sup>191</sup> Again, before his death in 2001, Van der Merwe expanded on his critique of the TRC from this perspective. Writing on the commission, he states: “What I objected to at the time of its establishment was the insistence by its proponents, including Justice Minister Omar, that the purpose was not to punish, as if punishment were something evil: if any of us had such a motive, we should be ashamed of it. Apart from my feeling that this claim was not quite honest it also, in my view, contributed to the rejection of the Commission by many people who would have supported it had the deep-seated need in all of us for some form of punishment been publicly acknowledged” (2001:215).

Consideration must be given to the victims. This was one of the reasons why the Chilean Commission is generally seen to have been so effective. It kept its primary focus on the victims. Desai further advocated that “...the violators be named and put on trial. It is imperative that justice is *seen to be done*” (1994: xiii ) (italics mine). This reflects the sentiments of the family members of the victims of human rights abuses such as Dr Fumbatha Mxenge, whose brother, Griffiths Mxenge, a civil rights lawyer, was killed by hit men under the command of Dirk Coetzee. Dr Mxenge has opposed the idea of amnesty, saying that “we will be happy when justice is seen to be done” (Frost,1998: 158). This attitude is not racially bound, but similarly echoed in the feelings of others who lost family members or loved ones, like Chris Ribeiro who stated that “Justice is needed. By justice I mean prosecution” (Financial Mail, May 3 1996).

Even as late as 2005, S'khumbuzo Mthimkulu, son of apartheid activist Sphiwe Mthimkulu, slain by Gideon Niewoudt in 1982, said after Niewoudt's death of

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191 John Paul Lederach , conflict resolution scholar-practitioner, for instance, maintains that reconciliation occurs in the space occupied by four concepts: truth, mercy, peace and justice that 'stand in paradoxical tension with each other'. Odendaal, following Lederach appeals in an article in Track Two (1997 Vol 6, nos 3 &4, 4 – 6 ) for the balancing of these four concepts in South Africa. If true reconciliation is to be achieved, the need for truth will have to be tempered with mercy.

lung cancer, that he would never forgive Niewoudt. "I would have liked to kill him myself. I am still hoping to avenge (my father's death)" and..."I will get him beyond the grave. People like him deserve to go to hell." Niewoudt had testified before the TRC, and had later agreed to meet the family. S'khumbuzo had at that time smashed a vase over Niewoudt's head, fracturing his skull as he begged forgiveness of the family. S'Khumbuzo had then wanted to kill him saying that if he had had a gun he would have. The Mthimkulu family had spent a lot of money on psychological assistance after their involvement in the TRC process (Eastern Province Herald, 24 August 2005).

The above sentiments are given support by Hayner (2001) in a series of anecdotal accounts, but also citing scientific, psychological evidence to the effect that a simple telling of the truth is insufficient to lead to a healing process. She writes that: "Most studies of healing from political violence measure the positive effects of psychological support over a period of time; these studies show that when victims are given a safe and supportive environment to talk about their suffering, most eventually see positive results. Typical symptoms of repressed trauma, such as nightmares, emotional problems, and sleeplessness, often recede. Truth commissions, however, do not offer long-term therapy; They offer survivors a one-time opportunity to tell their story, usually to a stranger whom they will likely never see again. Some anecdotes of the effects on victims giving testimony to truth commissions are very positive; others are very worrisome. There has been no study to date of the psychological impact of truth commissions on survivors, but the evidence that is available is enough to raise some serious questions (2001:135)<sup>192</sup>.

In fact, there is much evidence to suggest that the truth-exposing process may indeed do further harm to the victims. Some of those who give testimony before truth commissions can be re-traumatized, according to psychologists. Witnesses

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<sup>192</sup> Ignatieff (1996), in his article *Articles of Faith* explains the process of individual healing that takes place, placing due emphasis on its stage by stage , time consuming nature.

upon embarking on the process may display the set of symptoms known as posttraumatic stress disorder (PTSD), including confusion, nightmares, exhaustion, loss of appetite or sleeplessness (Hayner, 2001:141).

In this vein, Michael Lapsley, a priest who was badly injured by a parcel bomb, sent by the apartheid-era South African Security forces, and who has subsequently worked to assist the victims of human rights abuses, has stated the following: “If you have a physical wound, you take off the bandage, clean the wound, and rebandage it. But people take their clothes off in front of the truth commission and don’t get an adequate opportunity to put their clothes back on...It is naïve to think that it takes five minutes to heal. We’ll spend the next hundred years trying to heal from our history” (Hayner, 2001: 141 – 143).

While there is a resistance to facing up to painful truths operating at an individual level, there is some evidence to show that there may be a similar effect at national levels as well. Thus certain countries such as Mozambique and Cambodia, that have suffered extensively from extremely violent internal conflict, have, while seeking reconciliation, deliberately avoided the route of a truth commission, believing that to open the wounds of the past conflict, would be counterproductive (Hayner, 2001:185 – 200).

In 1978, in the Washington Star, an American-educated Palestinian scholar, Fawaz Turki, offered an interpretation of his people’s wounds and anger: “A people who are having their minimal demands for justice rejected will predictably brood on themes of despair, or be motivated by new political impulses of defiance and avowed struggle” (cited in Davidson and Montville, 1982: 152).

What this demonstrates is that there needs to be a sense of truth and confession about the past before, or in order to, be able to continue with the issues of the present; before planning a future committed to unity and justice.

## **8.8 The question of prosecution**

There are many who believe that since the perpetrators of heinous crimes against humanity have now been exposed, they should be punished. But in South Africa, that will occur only in exceptional circumstances. The price to be paid for truth in the South African case is amnesty for the perpetrators. Van der Merwe makes a very strong argument for punishment and an associated criticism of the commission, as follows: "Although retribution is popularly seen as primitive emotionalism, a form of pointless revenge, it actually constitutes a firm principle in most legal systems as well as in certain strands of theological thought. It is a basic principle of justice that a wrong should be righted – that the offender deserves punishment. Punishment as retribution is the paying of a debt to one's fellow citizens. It is true that there was an element of punishment in the sessions of the Human Rights Violations Committee where perpetrators were exposed and publicly humiliated. For some this amounted to severe punishment, because acts that they committed during the apartheid regime which brought them honour and promotion were revealed as atrocities and violations of human rights, now punishable by law. But, by and large, the Commission failed to achieve reconciliation in the larger society by denying the role of punishment as a form of redress in the healing process" (2000:215).

For those who support the idea of the fulfilment of justice and who see the necessity of prosecution, there must also be prosecution of some perpetrators so as to reinforce and re-establish faith in the rule of law. "truth telling alone without any form of justice to victims of abuses will not suffice" (Onyegbula, 1998). Garret affirms these quotes with (t)his closing argument: "Yet a transitional justice policy that combines both pragmatic and ethical concerns is surely not beyond reach. This would involve at a minimum an avowed programme of truth-telling, at least some (perhaps) symbolic retributive measures against the worst of past offenders, and a programme of compensation and rehabilitation to the victims. In

this way transitional societies can move toward democratic stability, social and economic progress and a civic culture without ignoring the perennial injunction that in all human affairs the past is prologue.” (Garrett, 2000: 10).

Many South Africans feel that insufficient prosecutions have materialised, or that investigations have not been thorough enough. – especially in the cases of key individuals such as Winnie Madikizela – Mandela and former State President, P.W. Botha.<sup>193</sup>

The reason for the necessity of prosecution is that it sends the signal that impunity will not be tolerated. There are important questions to be asked here, concerning whether the dramatic rise in lawlessness in South Africa has not been at least partially fuelled by a relativist approach to justice in such a high-profile organisation as the Truth and Reconciliation Commission? This is obviously not the TRC’s fault, but the way in which justice is portrayed and utilised sets a precedent and will impact on other aspects of society in the future.

Related criticism that could be brought to bear on the lack of punishment being meted out, is based on the belief that a new democratic system should be seen to be based on the rule of law. No one should be beyond the scope of justice. Huntington writing on transitions to democracy thus draws our attention to the argument that perpetrators of crime should be prosecuted because of a moral obligation to victims and families. Prosecution is also necessary to deter future violations and to assert the supremacy of democratic values, encouraging the public to believe in them (1991:213).

The supporters of the search for truth in exchange for amnesty make very strong arguments in its favour. Most telling, is the *fait accompli* argument, that points to the South African Constitutional requirement, that perpetrators of gross human

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193 See the TRC Report: the section on mister Botha’s refusal to appear before the Commission



rights abuses be granted amnesty in exchange for a full account of their involvement in activities “associated with political objectives and committed in the course of the conflicts of the past” (Minow, 1998:320). In terms of this argument, there is no other option available for the TRC. Those who support the particular constitutional requirement argue that it was the only way to achieve a constitutional settlement in South Africa. In its absence, they argue, the perpetrators of abuses would never have accepted a settlement, and would have been in a position to destabilise any political processes. They argue that it has to be seen in the light of the fact that the South African transition was based, not on the defeat of either side, but rather by a joint decision to end hostilities.

Others support the route taken by the TRC, as, in all respects, a more suitable option than that of pursuing prosecutions. Minow (1998:324), for instance maintains that “Litigation is not an ideal form of social action”. Victims and witnesses suffer ordeals of testifying, and cross-examination, without being afforded the prospect of directly narrating their experiences. Prosecution, and the evidence given at trials will similarly not permit the production of a complex narrative about the trauma of the entire nation. Hayner also points to the fact that prosecutions may not be possible in many cases due to conditions in traumatised societies including:

The fact that there may be a poorly functioning judicial system, characterized by corrupt or compromised officials, or there may be a lack of concrete evidence for the kinds of deeds perpetrated by highly secretive organizations. Also, cash-strapped judicial systems<sup>194</sup> have little or no witness protection programmes, police and public prosecutors may lack the skills to investigate and present strong cases. Very often, judges and public prosecutors are underpaid, courts operate with inadequate physical and financial resources, and without basic

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194 See again the TRC Report – comparison with Nuremburg Trials and an explanation as to why the official legal-rational channels were not followed in the end.

administrative support, and blanket amnesties have been passed by previous regimes. Sometimes there is a lack of political will to tackle "difficult" cases. Judges have also been killed in some cases (2001: 89).

In the South African case, two particular prosecutions, including the much publicized trial of former Minister of Defence, Magnus Malan, are used to support this argument. In this case the standard of the evidence brought against the accused was simply inadequate to the task. It is felt that these accused might have contributed more to national reconciliation by a process of confession and amnesty within the TRC (Hayner, 2001).

Strong arguments are additionally made in favour of the TRC process – against those who argue against the principle of amnesty in exchange for the truth. Supporters of the South African TRC process argue that it is infinitely preferable to a blanket amnesty, which is often the solution in these cases. The point is made that in the South African case, amnesty is never granted willy-nilly. In terms of the legislation, it would only be granted under certain circumstances, including if the deeds were committed out of political conviction, or on the instruction of superiors. The amnesty granted was additionally, never a blanket amnesty – it was always only granted on an individual basis, and only in exchange for the full, corroborated truth. There was no condition of an expression of contrition required of the confessors. It is also often stated that the perpetrators of abuses never got off scot-free. They were additionally, publicly embarrassed by the process and publicly exposed for what they really were. That is regarded as some form of punishment.

Among the supporters of the TRC, a plea has been made for a broader view of justice to be taken. Some scholars argue for a distinction to be made between two types of justice – namely retributive justice and restorative justice (Zehr,

1997: 20).<sup>195</sup> Whereas, in the retributive view, justice demands the punishment, or prosecution of offenders, the restorative view seeks a restoration of relationships, and assistance of some or other kind to the victims, to heal wounds and mend damage. It is argued, that the latter route is a more constructive one for societies recovering from violent conflict. Seen in this light, there is no denial of justice by the TRC to victims of abuse in South Africa.

## **8.9 The Truth and Reconciliation Commission and Reparations**

### **8.9.1 The Nature of Reparation**

Reparatory measures cannot bring back the dead or adequately compensate for pain or suffering, but they can improve the quality of life for victims of gross human rights violations and/or their dependants. Victims involved in the South African TRC process did regularly request, and expect financial compensation, however (Burton, 2004: 31). While these measures might include money, financial payment is not the only form of reparation and rehabilitation that the Committee recommends.

### **8.9.2 The Importance of Reparation**

Victims of human rights abuses have the right to reparation because of the losses that they might have suffered; be they physical, financial, emotional or psychological. Victims particularly need to be compensated in some way because the amnesty process means that they lose the right to claim damages from perpetrators who are given amnesty. According to The Promotion of National Unity Act 34 of 1995, the President and the Ministers of Justice and

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<sup>195</sup> In their review essay on truth and reconciliation commissions (2002:39), Avruch and Vejarano aver that no other concern has demanded discussion as much as the issue of justice has. But because TRCs cannot deliver a standard conception of justice, they correctly maintain that "...a significant part of the literature is devoted to the delineation (and defence) of quasi-justice forms and entities, among them 'transitional justice', 'restorative justice', 'retroactive justice', most of which aim to, in the end, to move away from criminal verdicts - 'retributive justice'- and towards 'truth-seeking' and reconciliation."

Finance are required to establish a President's Fund, from which reparations might be paid.

Examples of reparations that might be granted are

1. *Individual reparation grants:* (IRG's) which might entail meeting needs such as medical, educational or housing needs.
2. *Symbolic reparation:* Legal and administrative measures might also be granted such as the issuing of death certificates, exhumation, reburials, clearing of criminal records or the issuing of headstones and tombstones.
3. *Community Benefits:* include the renaming of streets and facilities, culturally appropriate ceremonies or memorials and monuments.
4. *National Benefits:* include the renaming of public facilities, a day of remembrance and reconciliation as well as the founding of monuments and memorials.
5. *Community Rehabilitation:* which include the initiation of health care and mental health care programmes or facilities, housing projects, and special attention to educational needs and infrastructure.

The need for reparation obviously takes on great importance when the dominant perspective is one that is based on a restorative, rather than a retributive view of justice. In the final analysis, by 2004, urgent interim reparation of between R2000 and R3000 had been paid to about 17 000 applicants, with amounts of R30 000 to be paid to each of the victims "...as soon as the legal procedures had been put in place" (Burton, 2004: 41).

### **8.10 A Critique of the TRC<sup>196</sup>**

The TRC has come in for much criticism. We can differentiate among criticism on a number of different grounds.

#### **8.10.1 Bias**

In the main, the chief public criticism of the TRC has been concerning a perceived lack of even-handedness, or the extent of bias displayed by the commission. There was early criticism concerning the composition of the Commission, and once the report appeared it was condemned for being biased against some of the parties. It is noteworthy that some of the most telling criticism on that score has emanated from two of the main parties to the South African conflict, namely, the African National Congress, and the National Party. Some have stated that this two – sided critique seems to suggest that the TRC must have been quite impartial in its attempts to get at the truth, as it offended both antagonists equally.

There have, however been some quite serious criticisms on this same count of a lack of impartiality from the highly regarded South African Institute of Race Relations. In her critical work on the TRC, Jeffery writes that the TRC failed to provide explanations for thousands of killings in Natal and on the East Rand in the years between 1989 and 1994. This lacuna creates a seriously one – sided report, according to her (Financial Mail, 30 July, 1999:34, 35).

It seems that, no matter how much effort is put into impartiality on the part of a body such as the TRC, given the deep-rooted and long-standing nature of the conflict in which they have been engaged, there are bound to be those who feel that they have somehow been disadvantaged in the process. It is difficult to envisage how the TRC might have been constituted in a way that was more

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<sup>196</sup> See also Tristan Anne Borer – Reconciliation in South Africa: Defining Success March 2001 – Joan B Kroc Institute for International Peace Studies – for a critical assessment of the TRC, description of its mandate, and the four tasks associated with it.

consultative, or more representative of the broad spectrum of values and interests that comprise South African society.

### **8.10.2 The TRC Process**

What is of greater interest to this thesis, however, is the actual nature of the process, and whether that was appropriate to the purpose of the South African Truth and Reconciliation Commission.

#### **8.10.2.1 The TRC, Protracted Social Conflict, and Conflict Resolution**

What has been very evident to this author, in an examination of the literature on the TRC, has been the decided lack of a conflict resolution, or conflict management perspective. There has been an almost total lack of a theorising of the TRC process within a theory of social conflict, and none at all, in terms of theories of deep-rooted social conflict. The vast majority of the scholarly output takes a legalistic point of departure, a psychological perspective, or a religious view of the subject. There seems to be very little social-scientific theoretical consideration of what is required to manage, or resolve a deep-rooted social conflict of many decades standing.

Much of the commentary on the TRC process has evaluated it from a psychological point of view (Hamber, 1995, Hayner, 2001, Minow, 1998, Herman, 1992). In this regard, as has already been mentioned, the “treatment” of truth-telling, is regarded as akin to that of PTSD<sup>197</sup>. It is taken quite simplistically, that what is good for a traumatised individual, will also be good for a traumatised nation of individuals. If the goal is the healing of social conflict, however, it must be understood that society is a collective, in which each will hear and react to the narrative in different ways. If the goal is the healing of specific victims only, then the telling of their truths may be more helpful, provided that the environment of

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<sup>197</sup> Post Traumatic Stress Disorder

the telling is sufficiently receptive and sympathetic (Hayner, 2001: 141). There seems to be a dearth of scholarly literature on the social psychology of national healing processes, and only a very tenuous link can be demonstrated between individual processes and social ones, as the article by Ignatieff attests. There is additionally, an admonition among those, representing the psychological perspective, as to the ability of the TRC to effectively counsel individual victims, and bring about real healing, even at that level.<sup>198</sup>

The TRC was, from the outset tasked to be victim-oriented. The definition of victim was highly specific, and included only those who specifically suffered human rights abuses. The TRC heard testimony from approximately 20 000 victims. In this sense, where those specific individuals are concerned it may have been successful to an extent, notwithstanding the critique of the scholars of psychology listed above. Unfortunately in respect of the larger social conflict, the TRC has not addressed the wounds of the millions of those devastated by the policy of apartheid.

The TRC exercise is clearly a very useful one from the perspective of uncovering the truth of specific incidences of human rights abuses. In this sense, as has been mentioned above, it can make the repetition of such abuses in future, very difficult. According to Ignatieff (1996): "All that a truth commission can achieve is to reduce the number of lies that can be circulated unchallenged in public discourse." This the South African TRC accomplished successfully. It also

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<sup>198</sup> In this regard, Lapsley, Hamber, Herman, Winslow and Hayner all repeatedly caution with regard to the dangers of incomplete counselling, or a lack of psychological support, or a need for further psychological support for victims. The danger of initiating renewed PTSD on the part of the victims, as a result of their evidence giving is also warned against. Most of these scholars are concerned for the need for more to be done for individual victims of apartheid.

contributed information towards the development of a new narrative of the South African conflict – one that differs from the official, apartheid-based account.<sup>199</sup>

However, the evaluation of the South African Truth and Reconciliation Commission from this perspective also provides a mixed picture, as a result of the large number of abuses that were never examined by the TRC (Jeffery, 1999), and also the fact that the structural issues, the more generalised system of apartheid itself, the systematised oppression did not fall within the scope of the TRC's activities<sup>200</sup>.

We have already covered the issue of justice. We have addressed the issue of whether or not justice has been done; of what kind of justice has been dispensed, and what is appropriate to the South African reality. There are numerous definitions of peace, and certainly most experts will affirm that peace is more than

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199 The end results of the TRC's decisions, acts and initiatives serve as good indicators of what goals and goal driven actions dominated its processes. It served as a vessel or conduit for the uncovering of the truth (in the form of facts from the past and testimony from the present) as one key trace element in the actualisation of healing, restoration (of civil, human rights and the moral order) and reconciliation (of one South African to another). The act of having to disclose one's past heinous, violent and criminal actions (truth telling in a public forum) brings about a degree of embarrassment to the perpetrator and his family. To anyone watching, listening to the radio or reading about the TRC and its activities (the hearings) this would have the effect of serving as a deterrent to perpetrators, their families and friends, and even strangers to the above, pre-empting any potential future mimicking of these extreme and violent actions. The following quote from Morton Deutsch (in *Justice and Conflict* – Chapter 2) may serve to capture the essence of the above: "A number of means are employed to support and re-establish the validity of moral rules once they are violated. They generally call for one or a combination of these actions on the part of the violator: full confession, sincere apology, contrition, restitution, compensation, self abasement or self reform...these actions may be addressed not just to the violator but also to others related to the violator, such as his children, family, or ethnic group." Deutsch (2004?:48)

200 Although hearings were held on the role of business, and the press as institutions which contributed towards the oppression of the masses. It seems quite selective, and not altogether honest to select these social institutions, that, though they may have been instrumental in oppression in some of their actions, were unquestionably also instrumental in the demise of the apartheid system at other levels. The pressure placed by business on the government to change, its role in breaking the logjam by visiting the ANC, and the years of unrelenting criticism of political apartheid by the press seems largely to have been ignored. The question needs to be asked why perhaps the teachers, who taught the values of apartheid were not more taken to task, or the judiciary that applied the laws of apartheid, for that matter.



a simple absence of violence. It is certainly not an absence of conflict. Many definitions of peace include a reference to a state of justice. Perhaps this is one of the reasons why the TRC seems to leave so many people on all sides essentially dissatisfied. Has it managed to capture adequately, the essence of the delivery of justice for the people of South Africa? H.W. Van der Merwe, who can be regarded as the father of the conflict resolution school in South Africa, certainly believed that it did not.

#### **8.10.2.2 A lack of sufficient reparation:**

One of the most broadly-held views in the literature on the South African TRC, is that the issue of reparations has not been adequately addressed<sup>201</sup>. Although the President's fund was set up for this purpose, criticism has been that enough resources have not been put aside, and that the process of disbursement has taken far too long. According to Daye (2004: 168), the reparations component of the TRC has been a great disappointment. He goes on to state that "...the unwillingness to grant the commission the powers and resources necessary to implement a full reparations program and the hesitance of the ANC government to implement the measures recommended by the Committee on Reparations appear to be the main causes of its being a failure to date." This sentiment is further supported by Gibson and Gouws (1999: 513) as they write: "Especially as it becomes clear to all that reparations will be pitifully small, the truth and reconciliation process promises to be a continuing source of dissatisfaction with the regime."

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201 Hayner refers to the fact that, although an initial sum of US\$ 600 million towards reparations was provisionally agreed upon by the South African government, and a reparations policy of providing each victim an amount of \$ 3500.00 per year for six years, only \$16million was eventually set aside, as late as 1998. There was great frustration well into the year 2000, as additional allocations for reparations were not yet forthcoming. Zehr, in his 1997 article also accuses the TRC of addressing the reparations issue "belatedly and incompletely". Botman, reaffirms the importance of ample reparations, when he states that "The victims have an undeniable right to claim economic restoration from the perpetrators as well as the state"(1997:38). Mary Burton (2004), a TRC commissioner, has added her voice to this chorus as well, highlighting the ongoing delays in the disbursing of the reparations, and the decreasing amounts involved.

This is clearly not the fault of the Commission, but rather that of the government for failing to implement the TRC recommendations. More recently, Villa Vicencio (2006) has written that "...the Commission recommended individual and communal reparations to acknowledge victims' losses and to contribute to the restoration of their human dignity. After a five-year delay, the government made a reduced reparation payment of R30 000 to each victim named by the TRC." More importantly for Villa Vicencio, though, is the fact that community reparations have hardly been pursued.

Although material development is a crucial and indispensable part of community healing, he is of the opinion that more is required, however. Oral histories, community projects and ritual cleansings need to be undertaken. Such initiatives would not involve huge sums of money – and government department budgets for community reparations remain underutilised. The expenditure of limited and well-focused government and private funding for community projects through schools, community organisations and faith communities could reap benefits that reach well beyond those who continue to bear the brunt of the nation's past. The Commission further proposed the promotion of remembrance and memorialisation initiatives designed to raise consciousness and 'promote public responsibility' with regards to the nation's past.

Although government has indicated that all South Africans should also contribute towards the reparations process (Burton, 2004: 41), according to Daye, a failure of the TRC "...relates to the fact that the organisations like business and churches have not been drawn into the reparations process" (2004:168).

The issue of reparations is particularly important because of the fact that the TRC operates within a restorative justice paradigm, and because retributive justice has not been available. According to Minow, "Only if the recommendations for reparations are followed with concrete actions, though, will these aims (of the

TRC) promise to bear fruit" (1998: 323). As recently as 2004, Mary Burton (29 – 43) has leant her voice to the issue of the poor handling of reparations. She has criticized the level of reparations and the delays in their payment, and indicated that it will reflect negatively on the South African transition and the TRC as follows: "The TRC has been widely praised as South Africa's special way of facilitating transition. It has been fairly successful in exposing much of what has happened, and in using the amnesty mechanism to deal with some of the perpetrators. But it will be seen to have failed if thousands of people continue to have a sense of grievance and injustice" (Ibid: 43).

James L. Gibson, in 'Theories of Justice and Reactions to Amnesty', reinforces the above argument by stating that: "Those who designed the amnesty process placed a great deal of emphasis on compensating the victims of apartheid for their losses...the TRC Final Report asserts: "...reparation is essential to counterbalance amnesty." Gibson (2002:542). Looking at the two cardinal points or poles (amnesty versus reparation as a part of the victim / perpetrator dynamic) Gibson continues: "The granting of amnesty denies victims the rights to institute civil claims against perpetrators...most expected that monetary reparations would be paid by the government. Though the government has provided limited reparations, by 2001, criticism of the government for failure to provide compensation became increasingly widespread, even virulent. The most obvious justice hypothesis is therefore that compensation can correct for amnesty: If those who were victimized receive some form of reparations, then perhaps people will judge the truth and reconciliation process to have been fair. Gibson (2002:542).<sup>202</sup>

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202 On the balance of probabilities, both victims and perpetrators had an opportunity for self disclosure in a public forum. This would only be a once off chance and in no way compares with ongoing psychotherapy, treatment and counselling (as echoed by some scholars like Minnow and others.) The TRC process allowed perpetrators (albeit under the strict criteria as laid out in the Norgaard Principles) to obtain amnesty. Many did not, but still others received amnesty. Only a limited number and limited amounts were set aside for [financial compensation] but this resource dried up quickly, leaving many victims little to no better off financially than before or during the TRC's hearings and rulings. The victims seemed to have gained only scant rewards (emotionally, psychologically or

Llewelyn and Howse (1999: 388) reinforce this point as they write that: “Removing reparation from the amnesty process seriously limits the connection between amnesty and restoring the victim. It restricts this connection solely to that restoration achieved through hearing and knowing the truth of the past. Practically, the victim sees the offender go free and still receives no direct reparations until the government considers proposals for reparation at some later date.”

#### **8.10.2.3 A lack of sufficient truth**

It has been stated above, that the TRC process has uncovered only a small proportion of the atrocities and abuses of the apartheid era, and the fact that not all South Africans had the opportunity to witness this truth-telling process. Indeed, especially the poorer segments of the society will have had less access to the television coverage of the hearings. This shortcoming has been greatly exacerbated by the fact that the report of the TRC has not been made widely available, nor have the archives of the hearings. Villa Vicencio laments this shortcoming thus: “...the TRC called for the release of its own archive, which includes the testimony of victims of gross violations of human rights, investigations into the activities of apartheid security forces and those of the liberation movements, as well as the transcripts of the amnesty committee. The technology is in place and funding available for these to be digitised and made available to every library, school and community centre in the country. Sadly this has not happened.” Piers Pigou, (Sunday Independent, 23 April 2006) director of the South African History Archive concurs with these sentiments and, directs a hard-hitting critique at the government’s lack of implementation on the TRC recommendations in this regard. He maintains that the most frequent request of

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financially in terms of closure from the past and many would in all likelihood, feel as if their angst (trauma) had been downplayed. In all likelihood, a strong sense of disillusionment would be more prevalent in victims than either perpetrators or the nation as a whole. Picking up the pieces of a broken life and past and closure would be more difficult perhaps for victims as opposed to perpetrators and the social system of the nation entire.

the 21 000 survivors who submitted statements, was to know what "had transpired" , and the TRC had been unequivocal in the need for further efforts to uncover secure justice and accountability. He complains that the TRC report, costing more than R1 500.00 to buy remains "...inaccessible to all but a few." There are seemingly no apparent plans to rectify the situation. Elsewhere, Pigou (2006b: 3) writes that: "The reactions of South Africa's political leaders to the TRC's findings and their selective engagement with ongoing issues of unfinished business tell us more about their own priorities, and clearly demonstrate that there is little or no desire to meaningfully engage with the specific needs of victims, survivors and their families and related opportunities to do so."

### **8.11 Conclusion**

A thorough review of the literature on the Truth and Reconciliation Commission indicates that this initiative was not conceived of explicitly within the theoretical framework of protracted social conflict. Indeed, very little of the literature seems to have been inspired at all by the general "conflict resolution" area of studies.<sup>203</sup> Most of the ideas that underpin the TRC are gleaned from the fields of the psychology of trauma and the healing of trauma, the legal debate around prosecution and human rights abuse, and religious themes of forgiveness and redemption.

The main impulse of the TRC was to glean as much information about the atrocities of the apartheid past, to expose the abuses, and to help the victims to come to terms with these.

In terms of its achievements, the messages emanating from the scholarly debate surrounding the TRC are mixed indeed. There is no doubt that truth has been uncovered and widely publicized. There are debates that rage, however, and

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<sup>203</sup> Odendaal's 1997 article in *Track Two* magazine, and Hamber and Kibble's article in this regard, are two notable exceptions.

challenges that are issued, about the extent of that truth, and its quality, and most recently, its availability to public scrutiny. It has certainly not been a complete process.

There is also no doubt that there has been a public grieving process. Whereas some conflict management scholars see this as a necessary and important aspect of national reconciliation, there are questions asked by many, that deliver no satisfactory answers, such as “Will the victims not be re-traumatized by their giving of evidence before the TRC?”, and the weight of the argument seems to be that no doubt, under the process of the TRC, because of a lack of adequate psychological counseling, they probably will be.

Then there is the question surrounding whether the individual truth recounting can be translated into a national healing process, and on this, the jury is still out. Certainly, no truth commission elsewhere has received quite as much public media coverage as the TRC. The nagging question still remains, however, about how the truth was received and by whom, and whether or not attitudes have been transformed. It is quite correct, as Hayner states, that there are now very few South Africans who would openly admit to ever having supported the apartheid system; implying that the TRC process was responsible for exposing the heinous deeds of the past, and moving them “beyond the pale” of acceptable human behaviour. While the TRC may well have had such an impact, it is impossible to prove, as there were very few South Africans who would have been prepared to admit their support of the previous system, even before the activities of the TRC got underway in 1996. Indeed, many National Party supporters denied that they supported apartheid long before de Klerk’s 2 February 1994 declarations. Garrett (2000: 10) highlights the hypocrisy of many involved in political transformations such as that in South Africa as follows: “One is struck by the fact that a population that may have been relatively passive in the face of a past dictatorship’s misdeeds sometimes are particularly forceful in their demands for

retributive action. One can wash away a sense of guilt at not standing up to evil by now – in safer circumstances - rediscovering a taste for justice.<sup>204</sup>

Every commentator on the TRC and its activities has been at pains to point out that success of the restorative role of the Commission is going to be largely dependent on the South African government taking the recommendations of the TRC concerning the making of reparations, seriously; which to date, has not transpired to any meaningful extent.

Finally, the only way to judge the TRC's impact in the area of national reconciliation, will be through the mechanism of social research. It will be necessary to revisit those polled by the Markinor survey of 1998<sup>205</sup>, to establish whether the individuals concerned have subsequently experienced any healing, and whether or not the general public feel positive about the future, and the role that the TRC has played in its delivery.

In conclusion, in our attempts to assess the role of the TRC, it would seem as though, as in so much else pertaining to South Africa's transition to democracy, that this aspect of the miracle has been at least partially successful, by just muddling through; by somehow arriving at processes that have contributed greatly towards building peace in the country in an effective, if somewhat confused, and perhaps only temporary fashion.

We should not simply accept, however, that the TRC has been the final contribution towards a stable and peaceful society. Practically all scholars consulted have been at great pains to stress the fact that the TRC can only be a part of the larger process. Reparation will have to follow, economic justice must be achieved, back-up counseling for victims of abuse is necessary, etc. etc.. There is a long term process that must not be relinquished. Furthermore, the high

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incidence of violent crime, and rampant corruption, and an inability to achieve anything even resembling a social consensus on damaging public issues, such as the economy, and a coherent HIV/Aids policy, perhaps point to the fact that many important issues have been avoided, or imperfectly engaged by the TRC, and that the government has so far failed in its delivery with respect to policies with restorative potential.

There is, explicit in the analytical conflict resolution approach to conflict management of Burton and his colleagues, the imperative of satisfying basic human needs in any serious attempt at long-term conflict resolution. Among these basic human needs, quite importantly for the case of the TRC, are the all-important need for valued relationships, and a need for justice. Lambourne (2004:8), for instance, argues that "When people have been wronged they express a desire for justice, which can be interpreted as a human need to feel a sense of justice. But what type of justice is necessary varies with individual circumstances and predispositions, the type of wrong and the local context."

It is true, that among the goals of the TRC was an attempt to restore relationships in South Africa. It is not clear, however, as our Chapter Nine below will show, through reference to various survey materials, whether that has been satisfactorily accomplished in the South African case. It would seem, however, that a need for justice; particularly distributive justice, has not been met by this process. This is not the fault of the TRC, but, rather of the government, for failing to implement its recommendations. It is interesting to note that both the NPA's SERD initiative and the TRC's reparations programme were designed to tackle similar issues; the material results of apartheid oppression. In both cases, these initiatives were undervalued by decision makers. In both cases, resources were not forthcoming.

Lambourne raises the concerns of the conflict resolution community as follows: "Consistent with conflict resolution theory's emphasis on the need to address



underlying basic human needs, international interveners need to address the underlying causes, as well as the effects of, the broken relationships manifested in violent conflicts.” (2004: 21) She goes on to insist on responding to people’s “expressed needs in relation to justice and reconciliation” in order to contribute to the long-term success of peacebuilding.

We next move on to examine the state of social cohesion and conflict resolution in the post-conflict South Africa at the time of writing.

## **CHAPTER NINE: CONFLICT RESOLUTION IN SOUTH AFRICA**

The deceptively simple question then of how to decide when conflict resolution is effective is often not one that can be answered easily.

(Ross, 2004: 2)

However, the most challenging part of our journey on the road to transformation, particularly the building of a workable moral consensus, will be reconciling the expectations of the historically disadvantaged with the vested interests (and rights!) of the historically privileged class.

(Esterhuyse, 2004:192, 193)

### **9.1 Introduction**

In this chapter, we examine the situation concerning the levels and nature of social conflict in South Africa at the time of writing. What do conditions tell us of the state of conflict? Do they indicate that successful conflict resolution has taken place? There has been great euphoria, especially internationally, over the bloodless election of 1994, the promulgation of a progressive constitution, and relative political and economic stability in a country that had only recently been at war with itself. Indeed, this has commonly been referred to as the miracle that South Africa achieved.

There are, however, also rumblings within the country, and fault lines that threaten that stability. How should we interpret the state of South African society at this time? Are these tensions normal, to be expected given the country's past, or should they have been prevented by the conflict management processes

leading to 1994, and beyond? <sup>206</sup> To this end we will examine the state of conflict resolution in the country. We will be examining the vexing question of what conflict resolution “looks like”. We will be exploring the ideas of a number of leading conflict resolution scholars, including John Burton (1979, 1984, 1988 a, 1990 a, 1990 b, 1990 c, 1997), Mitchell (1981, 2002) Lederach (1997), Deutsch (1973) and others, as well as work by sociological scholars, such as Peter Berger (1998), writing on social cohesion, which also provides pointers to the nature of conflict resolution, and the application of those ideas to South Africa. In the main, however, we will be drawing on the ideas of the analytical conflict resolution scholars.

We will follow this by drawing on a wide selection of source material, to indicate the state of resolution or otherwise of the South African conflict. Similarly drawing on a number of recent opinion surveys, including those of Lombard, (2004 a and 2004 b), Hofmeyer (2005), and South African Institute of Race Relations surveys that have been carried out to gauge the state of “reconciliation” in South Africa as well as drawing extensively on news reports of events in the country at the time of writing<sup>207</sup>. We will be searching especially for additional signs of the resolution

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206 For instance, even stable Western democracies experience unrest from time to time. As an example, France has experienced widespread violent protest during 2005.

207 Two substantive research projects have investigated the state of reconciliation in South Africa in the very recent past. The first that we examine is the most recent publication of the ongoing, biannual survey into reconciliation of the Institute for Reconciliation and Justice, where we draw on the two most recent reports (Lombard, 2004, and Hofmeyer, 2005), and the second is the body of work by Gibson and Gouws; most notably the book of Gibson (2004), addressing truth and reconciliation in South Africa.

In her report on the state of reconciliation in South Africa, Lombard deploys a conceptualization of reconciliation constructed upon human security, political culture, the extent of cross-cutting political relationships, the extent of dialogue, the ability to confront the past, and the extent of positive perceptions of racially different co-South Africans. Indicators of each measure are accordingly mobilized (2004: 7 – 10). The hypotheses presented are that:

- 1 If citizens do not feel threatened, they are more likely to be reconciled  
with each other and the larger system
- 2 If citizens view the institutions, structures and values of the new  
system as legitimate and accountable, reconciliation is more likely to

of conflict, as the scholars of analytical conflict resolution would understand the word, or for their absence. Finally, we will attempt to construct a scorecard matrix, indicating the extent to which resolution has taken place in South Africa.

Firstly, however, we need to examine the conflict literature, particularly the literature within the conflict resolution approach, in order to determine whether the theoretical requirements for conflict resolution have been met.

## **9.2 The nature of conflict resolution**

What do we mean by conflict resolution? Just how much social cohesion is necessary before we can say that a conflict is truly resolved? This is a question that must be asked and answered before one can adequately grapple with the more specific question of whether resolution has in fact occurred in South Africa.

Taking a broader view of the literature at the outset, and central to the focus of this chapter is the issue of the degree of social cohesion that is necessary in order for us to be able to speak of conflict resolution having taken place. This matter is touched upon by Peter Berger (1998: 353) when he states that the degree of normative consensus that is necessary for social order is a disputed point of sociological interpretation. According to Berger, "...a central school of thought in sociology, most cogently represented by Emile Durkheim and his disciples, has always maintained that any society will fall apart that does not have a 'collective conscience' - that is, a common body of norms adhered to by most of

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progress.

3 If citizens are able to form working political relationships that cross divisions, reconciliation is more likely to advance

4 If citizens are committed to deep dialogue, reconciliation is more likely to be advanced.

5 If citizens are able to confront and address issues from the past, they are more likely to move forward and be reconciled.

6 If citizens of different races hold fewer negative perceptions of each other, they are more likely to form workable relationships that will advance reconciliation.

its people.” (ibid.). This position that we will call the “consensualist view” is echoed by Davidson and Rees-Mogg who write that societies tend to experience the most successful periods in their history when the collective social morality is shared. They go on to write that “Such morality not only performs specific functions such as reducing crime, and helping to support family and social structure, but gives citizens a sense of purpose and direction.”(1997: 359). Supporting this view, Esterhuysen writes that “What is needed is a national consensus on, and commitment to, a set of legitimizing values that will underpin the process of transformation.” (2004:194).

This “consensualist” view is offset in the literature by an opposing position, however, that argues that “... a modern society cannot aspire to such normative unity and can function well without it, as long as there is agreement on a set of procedures by which conflicting interests and ideologies can be adjudicated.”<sup>208</sup> In fact, pluralist theorists of politics regard diverse norms and values positively, as a source of societal strength, as long as these take the form of “cross-cutting social cleavages” (Apter, 1977: 302)<sup>209</sup>. Reflecting upon such a context, Berger (1998: 353, 354) writes of an alternative, ‘traffic-system’ model of social order, where citizens adhere to the procedures which adjust the competing norms and values.<sup>210</sup>

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208 When Berger writes of adjudicating procedures, he writes of a broader notion of adjudication than that normally used in the conflict literature. He is writing of the roles that political institutions (such as elections and legislatures) and leaders play, on a continuing basis, balancing and mediating the competing values and interests of the plural society.

209 See also Dahl (1993: 706) who summarizes the strengths of political pluralism, arguing that competing groups in society have “...served to educate citizens in political life, strengthened them in their relations with the state, helped to ensure that no single interest would regularly prevail on all important decisions, and, by providing information, discussion, negotiation and compromise, even helped to make public decisions more rational and acceptable.”

210 The analytical conflict resolution school tends to share this second view – and consequently have proposed the prevention concept to deal with it.

In this sense there is a normality which is an aspiration, and which may be realized while the society is economically prosperous and its political stability remains relatively unthreatened. However, 'normality' is unfortunately rarely a permanent state of affairs. When it becomes threatened, for whatever reasons, the question of shared norms quickly attains a new urgency. When members of a society are required to make sacrifices for the society as a whole, their willingness to do so will depend on a degree of value consensus that underpins the legitimacy of the political system (ibid.354).

As will be made explicit below, there are those who are concerned about a lack of shared norms in South Africa, and again, there are those for whom the country should be able to sustain tolerable levels of social conflict, so long as the institutional "traffic system" works. We next move on to discuss the nature of conflict resolution as it appears in the work of the analytical conflict resolution scholars.

The analytical conflict resolution literature, in common with much of the literature on social conflict in general, devotes a great deal of attention to aspects such as the causes of conflict, the nature of conflict, its processes, and ways of resolving it. Comparatively little attention is given to the end-state of conflict resolution, however. How do we know when conflict is resolved? Some of the lack of clarity on the nature of resolution has to do with the fact that, according to Ross (2004:7), it is useful to distinguish between the "internal" criteria for successful resolution (how their actions affect the people with whom they work) and the "external" (how they will impact the wider conflict) criteria of conflict resolution. Most resolution practitioners are far better able to spell out their internal criteria for success than they are able to explain their external ones. And yet, the whole point of conflict resolution revolves around bringing about these "external" changes. Discussing the views of the analytical conflict resolution approach, Rubenstein and Blechman (1999: 3) reflect this situation when they point out that "...no particular vision of the Good Society compels the practitioners...".

We have, in our Chapter four above, however, closely examined the corpus of literature of the analytical conflict resolution school, in an attempt to extract from that body of literature the various elements that these scholar-practitioners present as the necessary conditions of conflict resolution. Some of these elements relate to structural conditions, such as the importance of restored relationships. Others relate to the procedural elements, such as specific problem-solving processes that must be applied if conflict resolution is to eventuate, and that should be sustained, and institutionalized if conflict prevention is to occur. A third category relates to the importance of structural transformation, encompassed in constitutional arrangements, and democratic governance. Yet another category relates to the presence of distributive justice in the post-conflict society.

In summary then, we reproduce the seven key propositions about the nature of a resolved conflict that we established in our chapter four above. We list them as follows:

- Firstly, there is a procedural element, in terms of which the conflict is resolved according to a certain, highly prescriptive process: the facilitated analytical problem-solving workshop.
- Secondly, a resolved conflict would present evidence of restored relationships, and also be characterized by the presence of Burton's notion of "valued relationships".
- Thirdly, a high level of identity, and related needs satisfaction, through maximization of autonomy and self-determination of groups would be evident.
- Fourthly, there would be a high degree of distributive justice characterized by increasing equality and decreasing poverty.

- Fifthly, ongoing analytical “provention” problem-solving processes, designed to bring about basic human needs satisfaction through the continual adjustment of social institutions to meet the needs of individuals and groups, would continue.
- Related to the above, but deserving special mention, Burton has indicated that special constitutional provisions should be provided for minority groups in deep-rooted conflict.
- A resolved conflict does not imply a future without any form of conflict

There is, upon examination of the list above, implicit in the work of the analytical conflict resolution school, two levels of conflict resolution. The first level is the hoped for results of the pre-negotiation interventions; the classical problem-solving workshops, that will enable a negotiated settlement to take place. This first level is the result of episodic problem-solving intervention. Beyond this, however, is the second level; the level of conflict transformed in the long term; the result of ongoing, institutionalized problem-solving, with the presence of restored and valued relationships.

We will next be examining the literature on the present state of South African society for evidence of the above aspects of resolved conflict in the post 1994 social context.

### **9.3 Social Cohesion and Conflict in Contemporary South Africa**

South Africa has clearly made remarkable strides, in its accommodation of socio-political conflict, as mentioned at the very beginning of the chapter. A liberal democracy, based on one of the world’s most progressive constitutions has been established, which is committed to the protection of human rights. The constitution protects the status of eleven official languages. Elections have been held, and a high degree of political stability has been maintained. Economic policy is well managed within the limitations of market orthodoxy, and a low level of economic growth has been maintained.



However, a number of observers point to issues that continue to threaten South Africa's stability and impede conflict management. Aspects of a lack of social cohesion, and a lack of reconciliation and resolution of conflict in South Africa remain, that provide much cause for concern. We will enumerate a number of these below.

The society has changed markedly since 1990, and to some extent, one can agree with Ann Bernstein, when she writes of post-apartheid South Africa, that "...many of the issues that confront South Africans now sound like those of other countries and are not all derived solely from questions of race"(1998: 198). A number of challenges rooted in our history are still facing the new South Africa, however, and we can identify a series of problems that, if not resolved, are likely to affect the state of social cohesion in the country. These are important and bear a detailed examination below, as they point towards a number of aspects of South African society that are highlighted as fault lines in the sections below.

There is, for instance, the tension between democracy and delivery. There is an enormous development challenge that faces the government, with high levels of poverty, a continuing lack of access to clean water, electricity and housing. Bernstein writes for instance that the "major crisis lies in unemployment" (1998:199). The government has also inherited a civil service that is demoralized and without the skills necessary to build a productive nation. Simultaneously the government is committed to introduce some form of reasonably rapid affirmative action to ensure a civil service whose composition is more closely aligned with the country's democratic profile. In this context, Bernstein presciently asks whether race will be allowed to re-emerge in the country as the critical selector of jobs and opportunities. Is it possible to build a nonracial state based on a nonracial constitution and have special privileges for some people based purely on their race? Second, will the state allow independent organizations that criticize its policies to continue to operate?" (Bernstein, 1998:199)

Bernstein maintains that there are five other factors working to undermine some of the most basic rules that hold a society together. The first factor is the state of the South African criminal justice system. It is, according to her, under-policed and under-resourced, and largely ineffective in keeping the crime wave in the country under control. Prisons are over full, to the extent that prisoners are periodically released to make room for newly convicted criminals. Crime, as it impinges on security is regarded as important by a number of commentators on reconciliation, and has negative implications for the satisfaction of the human need for security.

We will comment on the current state of crime and its combating in section 9.3.5 below.

Bernstein lists, as her second factor, the continuation of lack of payment for services of all kinds continues to remain a problem. This relates to the government's neo-liberalist policies and the frustration of the need for distributive justice.

The third factor she mentions is the general level of corruption in and around the state, but also more broadly, in society as a whole. As an example, here, one can point to the arms deal struck by the government, in terms of which a number of politicians have taken advantage of inducements in respect of their procurement choices<sup>211</sup>. Counter-trade spin-offs of the arms deal have also resulted in accusations of dishonest gain through favoritism in the allocation of development tenders in, for instance the Coega IDZ project.<sup>212</sup>

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211 See for instance newspaper source on Shaik trial

212 See for instance Bradshaw and Burger (2005) for an account of the rubric around the public scoping processes relating to the Coega IDZ project.

The following represent a number of fault lines, that indicate a lack of true resolution in the South African case, and that deserve the concerned attention of political leaders if the South African miracle is to be sustained. The reason that we have selected these specific fault lines, or issues, is that each reflects directly on elements of the analytical conflict resolution school's notion of conflict resolution. Although the following will be dealt with as separate issues, the reality is that they often overlap, and reinforce each other in various ways.<sup>213</sup>

### **9.3.1 Lack of Service Delivery and Public Protest**

The protests concerning poor service delivery taking place around the country from the middle of 2005, through into 2006, bear out Bernstein's 1998 prediction that: "The big normative test will come when, at the micro level, the government gets tired of the trade-off between endless consultation with "the community" and actually getting projects off the ground, and at the macro level, government finds it harder to deliver on a massive scale than it originally thought and pressures rise for less-than-democratic measures to quell popular discontent." (1998: 199).

There have been extensive protests around the issue of lack of delivery of essential services and housing at the local government level, since the 1994 election (Cull, 2006: 9). These protests have recently gained momentum, and the year 2005 saw protest action around the country, with violence sometimes occurring, and the police often standing accused of overly harsh retaliation against the protestors. This comes as no surprise. Nicol and Africa (2005: 86) write that "When one examines the depth and breadth of poverty in South Africa and the backlogs in basic municipal service provision, the surprising feature is that open conflict is not more widespread."

The focus of the protest activity is the ANC government that is criticized for being unable to provide an acceptable level of services. Though not necessarily

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<sup>213</sup> For instance, the economic policies pursued by the government, unemployment and crime are all closely related to one other.

problematic in and of themselves, it is noteworthy that these protests too often did turn violent, and the government's reactions to the protests are also interesting. The ANC, instead of responding by investigating the nature of delivery failure and attempting to remedy the problem, has sometimes reacted very heavy-handedly; actually in quite similar fashion to the actions of the NP governments of the past. It has used "heavy" policing tactics with tear-gas and rubber bullets, and has threatened to launch an investigation into the possible agency of a third force provoking political unrest<sup>214</sup>. The protest action, and the violence that accompanies it continues well into 2006.

The Satawu strike, and mass action by security guards in early 2006 led to the deaths of some sixty people<sup>215</sup>. For some critics to the left of government, the situation has become serious in the extreme. According to Patrick Bond (2005: 306) for instance, state repression and judicial harassment of social movements was occurring, and increasing in 2004, and he quotes Naomi Klein, who wrote: "There is a huge amount of struggle going on in this country. There are movements exploding. They are resisting privatization of water and electricity, resisting eviction and demanding land reform. They are reacting against all the broken promises of the ANC. This is a security state. It spends three times as much on private security as it does on affordable housing – just to keep the rich from the poor."

Though these sentiments may be something of an overstatement of the situation, reflecting the ongoing conflicts that characterize many states, there is some cause for concern, given the deep-rooted nature of the conflict in South Africa, and the high levels of violence that do occur.

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214 For an account of a typical episode, see for instance the article by Matyu, J. concerning the demolition of shacks by municipal officials, the resultant protest action, stoning of cars and use of teargas by the police (Herald, 16 March 2006, :2). See also the article by Nicol and Africa, (2005), for a general account of the unrest.

215 Newspaper source

In the context of the unrest, Nicol and Africa (2005: 86-96) have pointed to the need for local government to develop best practice in conflict management processes, to deal with the "...rising wave of popular protest." This underlines the fact that government is not in touch with the needs of its constituents, and that communications have broken down. In the period immediately following the 1994 election, various development forums were opened up to promote dialogue around issues of delivery, but with the passage of time these have largely been rejected as ineffectual, compared to the politics of street protest and confrontation. The structures of the NPA that continued to function into 1995 were also able, at the beginning of the period, to address localized protests and channel them into constructive discussion. These structures were closed down in that year, however, as was mentioned in our Chapter 5 above. Additionally, the new government's original emphasis on community policing gave way in 1997 to a "law and order" model, which is more reactive than preventive.

These developments indicate an inability on the part of government to provide services, its tendency to control protest in forceful ways, the failure of discussion and negotiation as means of conflict management, and by implication, from the analytical conflict resolution perspective, indicate the absence of "proventive" measures of conflict management in the society.

### **9.3.2 Fault Lines of Race and Identity**

Perhaps most importantly for the future of the country, many of the instances of conflict that occur in South Africa, still take place along the fault lines of race and social identity that were constructed during the apartheid era. While one would not expect the issues around race, racial prejudice and inequality to disappear overnight, Claude-Helene Mayer in her investigation of the continuing role of identity in conflict in South Africa in the post apartheid era, (2004: 349) states in her conclusion that: "...experiences from the apartheid-past determine especially 'intercultural' conflict experiences". According to her, this shows up in the repeatedly surfacing themes of racial belonging, status, and feelings of

inferiority/superiority. And it has come as a surprise to Mayer, that ten years after the end of apartheid, the issue of race remains of such penetrating importance in the "...construction of perceptions, identity and conscience in everyday conflicts.". She proceeds also to write that her data leads her to the conclusion that the terminology and contents of race affiliation are continuously reconstructed and perpetuated, as they are continually passed on through various forms of socialization." (Ibid. : 349).

Mayer finds the remarkably high number of conflicts caused by self and other images noteworthy, and goes on to write that "These constructs strongly affect perceptions, potential expressions, and interpretations of everyday situations and thus conflict experience" (2004: 355). Her data also reveal thinking in racial categories, and feelings of inferiority and superiority "...which are to be interpreted as consequences of 'inner apartheid' and intra psychological identity conflicts." (Ibid 355).

This perception is echoed by President Mbeki, who, in his final weekly newsletter for the year 2005, also raised the issue of white and black South Africans "marching in different directions" (SABC News, 16 December 2005). This evidence all points towards a lack of resolution of the conflict, especially insofar as people continue to think in terms of racial identity group categories, define themselves accordingly, and continue to act in terms of their group memberships. These findings are additionally, largely borne out by the work of Lombard (2004a, 2004b), Hofmeyer (2005) and Gibson (2004), examining indicators of reconciliation below. The racial divides contribute towards a high degree of social distance – especially between white South Africans and members of other race groups in the country, that will be dealt with under the heading of a lack of interracial contact in section 9.3.3 below. One of the implications of this situation is the tenuous and difficult nature of relationships across racial divides that is borne out by the lack of trust towards the government and other racial groupings displayed by white South Africans. For instance, less than thirty percent of white

South Africans believe that government leaders can be trusted to do what is right, that parliament will treat its citizens equally, or that parliament can be trusted to do what is right for the country as a whole (Hofmeyer, 2005: 25 -27).

### **9.3.3 Lack of Interracial Contact**

As far as cross-racial contact is concerned, there is a large percentage of South Africans who report never talking to their compatriots of other races, and more than half of all South Africans never socialize with people who do not belong to the same group as themselves, and this percentage is on the increase in longitudinal studies. Additionally, approximately 60% of South Africans "...continue to struggle to understand their fellow South Africans from other racial backgrounds." (Lombard, 2004: 50, Hofmeyer, 2005: 51). Again, this is supported by the findings of Gibson, who writes that "...if reconciliation requires interracial understanding, then a majority of South Africans are not reconciled." (2004: 122).

### **9.3.4 Neo-liberal macro-economic policies**

During the process of pre-negotiation, leading up to the formal negotiation process in South Africa, the ANC gave assurances to the effect that it would not apply nationalization, or other socialist policies that would threaten business interests in South Africa, should it become the government of a democratic South Africa. This was one of the key issues which were established in the pre-negotiation processes<sup>216</sup> that ultimately made it possible for South African business leadership to back a negotiated settlement, and for the National Party to enter negotiations.<sup>217</sup> It came as a surprise, however, as the ANC had understandably always subscribed to policies that would equalize, democratize

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216 Mentioned in chapter five above

217 These groups had always based their criticism of the ANC on their perception that the ANC was essentially a socialist, or communist party.

and redistribute the wealth in South Africa<sup>218</sup>. Since coming to power in 1994, however the ANC has steered a path that is extremely business friendly and neo-liberal in its economic policies. The Reconstruction and Development Programme (RDP), embodying a more distributionist ethic, though given an initial priority within the ANC's policy framework, soon gave way to the neo-liberal GEAR strategy.<sup>219</sup>

The emphasis of government economic policy has been on building a black business class, rather than on uplifting the poverty-stricken masses. The result is that inequality, as indicated by the Gini coefficient, has remained extremely high in the first ten years of democracy. Recent survey findings, for instance, indicate that only ten percent of black South Africans have forty-three percent of black buying power in the country<sup>220</sup>, and the South African Institute of Race Relations' South Africa Survey of 2006 shows that the Gini coefficient has increased, especially among black South Africans<sup>221</sup>. Unemployment remains at extremely high levels<sup>222</sup>, and macro-economic policies are not being adjusted to address the problem.

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218 For instance, as late as 1989, Slabbert (2006:32) tells of the last meeting that Idasa arranged between people inside South Africa and the ANC in exile in Paris on economic policy, where a "...passionate White trade unionist" got to his feet and shouted: "When we take over there will be no private property, industry will be fully nationalised and the state will be the only real instrument for economic development." The trade unionist in question was Alec Erwin who later became Minister of Trade and Industry and subsequently Minister of Public Enterprise, who now defends free trade and a market economy with "equal passion"

219 See for instance Bond, 2005, and Hirsch, 2005 for contrasting versions of this development.

220 See report in The Herald 16 March p 4

221 See report in The Herald, 6 April 2006: 10

222 According to a 2006 poll of Research Surveys, reported in the Herald (16 March 2006), at the time of writing, 40% of black South Africans remained unemployed. The South African Institute of Race Relations South Africa Survey supports these findings, with head researcher Jane Tempest saying "While growing inequality is in part an indication of the growth of the black middle class...it is of concern that such growth has been accompanied by an increase in poverty among the lowest income groups.", and



The apparent commitment of the South African government to neo-liberal principles that privilege the interests of big business against the interests of the poor majority in South Africa is a matter of concern, especially in the context of the incomplete transformation processes applied in the country<sup>223</sup>.

The point has been made elsewhere, that the conflict transformation instruments applied in South Africa, such as the TRC, might have proved more satisfactory if reparations had been made, and if government exemplified a reconciliatory policy vis-à-vis those who suffered most at the hands of the apartheid regime. The problem with the current government strategy is that ten years on, it is not following such a line, especially with regard to material reparations (Burton, M., 2004: 29-43). It has been pointed out above, that in the view of the analytical conflict resolution school, one of the indicators of successful conflict resolution, would be a high level of distributive justice. From this perspective then, the current situation is particularly worrying, and not encouraging for the prospects of longer term conflict resolution <sup>224</sup>.

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figures published in the Survey showed that the proportion of people living on less than \$1 a day - the measure of absolute poverty - had more than doubled since 1994."

223 There are, of course those, such as Bernstein (1998) and Sunter (2004) for whom the market represents an important agent in preventing or limiting conflict. However, from a conflict resolution perspective, the widespread frustration of the need for distributive justice which neo-liberalism brings into effect in the short to medium term is likely to prove destabilizing in the long term. It should be borne in mind that both the National Peace Accord, and the Truth and Reconciliation Commission stood accused by critics of not following through on those aspects of the conflict that called for reparations (TRC) or development assistance (NPA).

224 Foster (2005: 339) concurs, writing that victims of human rights abuses in the TRC process frequently stressed their desire for reparation, indicating that restorative justice is the "kernel of reconciliation..." It followed therefore that "In terms of economic disparities and inequalities, we are still an afflicted land; there is still a long way to go."

### 9.3.5 High Levels of Crime

Bernstein (1998) has correctly mentioned as one of the challenges that face the country that one of the legacies of apartheid is the extent to which people continue to evade laws which they might regard as unjust, just as they evaded unjust apartheid laws in the past. One can go much further than Bernstein in this respect, and point to rampant corruption, including government's stealing from the poorest of the poor<sup>225</sup>, which cannot simply be equated with the continuation of the evasion of unjust apartheid laws.

At the time of writing, in late 2006, levels of crime remained extremely high in South Africa. Despite the government's numerous campaigns to deal with crime, there has been little or no abatement. After twelve years of democracy, the crime wave is clearly more than a transitional phenomenon, and the public outcry over crime is growing (Spies, D. and Sonjica, N., 2006: 1, The Herald, 17 April, 2006)<sup>226</sup>.

One of the worst aspects of the crime wave is its violent nature. It is particularly murder and rape, and violent assaults accompanying theft of various kinds, that seem to be impervious to the attempts to control them. Clearly much crime is related to the high levels of poverty and unemployment in the country, but the high levels of violence have more to do with ruptured relationships and unresolved hostility that point to an incomplete resolution of conflict in the country. Pierre du Toit (2001: 127) has made a similar point as follows: "...mere

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225 See article in The Herald, 22 December 2006, for an account of wholesale corruption surrounding the school feeding scheme in the province.

226 The article mentions reports in Rapport newspaper, cited by the DA opposition, that violent crime was extremely high in SA. Figures reported were 52 people being killed daily, or 1 466 per month, or 18 793 per year. "According to the newspaper, the SA Human Rights Commission was of the opinion that the country's Constitution was in danger of becoming meaningless as an individual's right to life was not being respected. The articles quote Jankielsohn - spokesman of the DA as saying that "...what was disturbing was that police were afraid of these criminals."

materialist interpretations of the roots of public violence are inadequate, that the social-psychological dimension needs to be considered as well, and that the roots of such violent actions need to be traced to the structure of the overt political conflict preceding the inauguration of democracy and the nature of the transition from that conflict.” One particularly worrying manifestation in this regard, is the increasing incidence of violence in schools, which has seen a number of violent episodes resulting in the deaths of pupils in some cases, and reports that schools are unsafe environments for young people (Kollapen, 2006). The current violence in schools augurs very badly for the future of security in the country as a whole <sup>227</sup>.

Analysing the results of her (2004) survey, Lombard reports that South Africans feel threatened by high crime levels. Forty-three percent believe that crime is one of the most important problems for the government to address, with eighty-one percent believing that crime is a serious threat to democracy. Although the 2004 survey does indicate a slight improvement from previous years, the improvement is statistically insignificant. Of note, also is the fact that the races in South Africa differ in terms of whether they are optimistic or not concerning future decreases in crime levels, with whites being least optimistic, and blacks showing the most marked increase in expecting an improvement in this area. Again, there are human needs implications here. High levels of violent crime frustrate the basic human need for security. There is also evidence to suggest that much of the

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227 For instance, The Cape Argus of September 2006 reported that a Gauteng youth died in a fight and a school pupil was paralysed in incidents of gang-related violence near two Blue Downs schools. “The upsurge of violence in South Africa is fuelled by the fact that teachers and pupils have accepted it as a normal way of conflict resolution” said Craig Arendse, a conflict management consultant at a seminar in Port Elizabeth” (The Herald , 16 October 2006). The Herald (29 September, 2006) also quotes the National Professional Teachers' Organisation of South Africa as saying that the right to human dignity was being infringed. “The slightest provocation leads one pupil to assault a fellow pupil...Pupils are often accosted on their way to school by criminals loitering. Pupils are robbed of jewellery, cellphones and taxi fare.”.

According to an article in The Herald (11/12/2006), the link is made by Jody Kollapen of the Human Rights Commission, between school violence and the survival of South Africa's “very fragile democracy”.

schools violence is related to gang activity<sup>228</sup>. According to Lucas (2003), citing Andy Dawes, "The vast majority of those who fought the township and rural wars of the early 1990s were drawn from very poor, violent communities... And after the conflict terminated, there was no political role for the majority... The limited evidence available suggests that many felt abandoned by those for whom they had fought." Again there is evidence of alienation, and a lack of belonging that feeds the growth of gang-related activity. To the analytical conflict resolution scholars this feeling of alienation indicates frustrated identity needs, or needs for valued relationships on the part of the youth concerned<sup>229</sup>.

### 9.3.6 Intolerance

Gibson and Gouws have in their work, targeted political tolerance levels as an important indicator of reconciliation in the country. They make the point that: "Tolerance is more indispensable in heterogeneous societies than in homogeneous societies because in societies with deep divisions, the potential for conflict is so much greater." (2003: 24). Linking this to South Africa, they state that "In South Africa, the potential for conflict is embedded in the political culture, in that racial and ethnic groups were artificially separated from one another, leading to misunderstandings based on a lack of interaction with one another and a lack of knowledge of political differences connected to ethnicity. Under such conditions, tolerance is necessary to foster peaceful coexistence." (2003: 24). According to Gibson (2004: 208), however, "South Africans are deeply intolerant of political differences, and many "...have not accepted the virtues of the liberal half of the liberal democracy equation (majority rule plus minority rights)". For Gibson, though, it remains surprising that the rule of law is associated in South

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228 According to a community police forum chairperson, Melville De Bruin after the murder of a pupil near a Blue Downs School in September 2006: "The causes of this violence at and near schools appears to have gang undertones. We really want to help the youth to deal with crime issues and settle arguments in a non-violent way." Reported in Cape Argus, 15 September 2006

229 Burton (1990b,154), supports this line of reasoning when he maintains that: "The typical street gang member is seeking out valued relationships among his colleagues within the gang."

Africa with minoritarianism. His findings indicate that "...it seems that intolerance, strong majoritarianism, and disregard for the rule of law go together in the minds of many South Africans...", and he draws the logical conclusion that this is not a formula for the successful consolidation of democracy and the protection of human rights in the country (2004: 209).

This bears out the earlier findings of Gibson and Gouws (2003) that: "Certain contextual factors paint a bleak picture for political tolerance in South Africa."<sup>230</sup> They go on to posit that on the basis of their survey, (2003: 56) "The data in the table are unambiguous: South Africans tend to be quite intolerant. About two thirds of the respondents would ban their most disliked group and nearly three fourths would [prevent them] from demonstrating." and later, "South Africans who are tolerant are in a distinct minority." In comparative terms, they write that: "...South Africans are indeed intolerant, but they are far from being the most intolerant people imaginable." (ibid: 57)

Gibson and Gouws maintain that the particular danger of South African intolerance is that it is not confined to the extremes of the South African political spectrum, as it often seems to be in other countries. (ibid: 62). The implications for all this are that a concerted effort has to be made on the part of the South

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230 Among the factors that they regard as important contributors to intolerance in South Africa, Gibson and Gouws include the following, largely historical features :

- \* High levels of political violence in the past on the part of the state and among opposing groups through which enemies were clearly and rigidly defined
- \* High levels of threat from the political environment
- \* The undemocratic and intolerant practice of creating no-go zones to limit political competition
- \* Impediments to tolerance, as in social learning that legitimizes undemocratic political norms (such as liberating intolerance) coupled with a breakdown of conventional agents of social learning about democracy, such as schools.
- \* New political institutions, of contested legitimacy and effectiveness
- \* A mass public that played a major role in the transition and that resists demobilization.

African political leadership, to project tolerance by their own actions, and to act in ways that will unite, rather than divide the different segments of South African society. Although then Deputy President Thabo Mbeki's "I am an African" speech of 9 May 1996 propounded an inclusive national identity, his more recent statements have been quite divisive. Van Zyl Slabbert (2006 2, 3) discusses Mbeki's drift away from his inclusive definition of Africanness, towards a less inclusive approach a decade later. In Slabbert's own words: "Unfortunately Mbeki's first inclusive and generous definition of Africanness, almost ten years later, has been ideologically mangled and historically appropriated beyond recognition. The new historiography, often more by implication than by being explicit makes it quite clear that a Coloured, Indian or White can never be an African. In the South African context, an African, for purposes of policy, is a 'Black of a special kind'.

Recent political developments in South Africa witness a number of attempts on the part of government to limit freedoms associated with a culture of human rights and due democratic process. During 2006, for instance, we see attacks on the freedom of information and the independent status of the judiciary, as well as an attempt to negate the power of the opposition in local government where it has managed to replace the governing party.

Since the 2005 local government elections in Cape Town, and the victory of the DA in those elections, giving it the right to appoint the mayor of the city, there has been ongoing strife in the management of the city, with firstly, informal efforts to unseat the DA majority through alliance formation with the Independent Democrats, but much more seriously, once this proved unfeasible, there has been a concerted attempt on the part of the ANC to change the system of representation currently functioning in the city, with one which removes power from the executive mayor, Helen Zille. The MEC for local government of the Western Cape, Richard Dyantyi has cited as his motivation for going ahead with the proposed changes, the need for "...inclusive political processes" in the city

ahead of the 2010 Soccer World Cup competition to be hosted in South Africa. The current system is, however, regarded as acceptable in all the other major urban centres, where the ANC enjoys a majority, and so this argument does not hold. Critics hold the view that the move is simply a refusal on the part of the ANC to accept an oppositional role, rather than a governmental one<sup>231</sup>. These moves on the part of the ANC indicate that it is serious about manipulating the forms and processes of government in order to dominate all aspects of the political scene in the country, and this does not inspire confidence in a future, human needs-driven governance of South Africa.

An additional development, pointing in the direction of the centralization of power, and emerging authoritarianism, is the recent revelation in respect of control of the South African Broadcasting Corporation. The public broadcaster is publicly committed to giving a voice to civil society, yet it has recently emerged that the corporation has maintained a blacklist with regard to certain commentators that it will not allow to comment on current affairs, for political reasons. The blacklist has been confirmed by a commission that the SABC established to investigate allegations on the matter<sup>232</sup>. The corporation has thus far refused to comply with the findings of its own commission, however, by not publishing it, as required, and the board have declared their confidence in their news and current affairs managing director, Snuki Zikalala, who issued the blacklisting directives. This is another disturbing development, threatening the freedom of information in the country, which is guaranteed by the constitution. Simultaneously, the government is surreptitiously promoting a piece of legislation; the Films and Publications Amendment Bill, through the legislature, which would forbid the free

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231 See relevant reports in The Herald (October 11, 2006, 20 September, 2006)

232 The SABC management set up a commission, under former SABC head Zwelakhe Sisulu and advocate Gilbert Marcus SC after complaints about a ruling, allegedly by news head Snuki Zikalala, that certain commentators and analysts not be used because they were critical of President Thabo Mbeki (The Herald, 13 October, 2003: 5, Mail and Guardian, 13 – 19 October, 2006: 4,5).

distribution of news and analysis about sexual activity, propaganda for war, the incitement of violence and hate speech<sup>233</sup>. This legislation, which is quite sweeping in respect of the powers that it gives to censorship, is being very quietly advanced, without much evidence of consultation, or public discussion. This development is another indication of a shift away from tolerance, and towards the centralization of control in the governing party.

Several contentious bills are additionally being slowly shepherded through parliament by Justice Minister Mabandla, which seek to substantially amend the judicial system. Two of the most contentious of the pieces of legislation are the Constitution 14<sup>th</sup> Amendment Bill and the Superior Courts Bill. The major cause of concern is that these Bills collectively provide for the Minister of Justice to exercise authority over the administration and the budgets of all courts, something which was previously under the control of the courts themselves. Former Chief Justice Chaskalson, who opposes the proposed legislation, has said: "In a constitutional state the executive should not have control over the way the court functions. It can have a say but not control" (Laurence, 2006: 19). George Bizos, a prominent anti-apartheid lawyer has added his voice to the criticism of the legislation, and Chief Justice Pius Langa has specifically focused his criticism on the proposal to amend section 165 of the Constitution, which prohibits interference with the functioning of the courts by any organ of the state. The Chief Justice states that: "The proposed change (is) a retrogressive step. It halts....the natural development of the concepts of the independence of the judiciary and the courts and the application of the doctrine of separation of

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233 See, for instance, article by Boyle (Sunday Times, 8 October 2006) where the claim is made that "If adopted, the Bill would forbid the free distribution of news and analysis about sexual activity, propaganda for war, the incitement of violence and hate speech. Instead, three person teams of censors paid by the government will have the right to judge what should be banned outright, what should be approved for limited circulation and what can be freely published. Even art and scientific papers could be restricted to over 18's or ordered sold only in licensed premises like sex shops." The report alludes to "diversion tactics" on the part of government, as it focuses debate on the legislation concerning gay marriage as a smokescreen to avoid debate on the media censorship front.



powers.” (Laurence, 2006:20) The concern of the legal fraternity is that the changes will allow the executive to influence the selection of judges to hear specific cases, and/or appoint acting judges to sensitive cases. (Ibid.). The International Bar Association, speaking through Michael Corbett, another former South African Chief Justice, has warned that the impending legislation, if passed, would encroach “impermissibly” on the independence of the judiciary (ibid. 21). Prominent Judge Johan Kriegler, who presided over the administration of South Africa’s first democratic general election, referring to this development stated that “The separation of powers, of which the independence of the judiciary is an essential component, is the only protection against the abuse of power” (Laurence, 2006: 21). Judge Richard Goldstone, co-chair of the IBA’s Human Rights Institute, has also joined his voice to the criticism – raising the view that this might be the beginnings of “...a slippery slope - taking away other areas of judicial independence...”<sup>234</sup>. Additionally, the unilateral implementation of a new set of guidelines to prosecute apartheid-era perpetrators who did not avail themselves of the TRC’s truth process, has raised the anger of a number of victims groups and non-governmental organizations, with the government.<sup>235</sup> Political Commentator Sipho Seepe, has also pointed to the tendency of many in South African political debates, including those in parliament, to shout each other down, rather than engage in critical debate, as a display of political intolerance (2006).

The rolling back of freedoms, though as yet barely perceptible, besides being inimical to liberal democracy, and the separation of powers, also signifies a shift away from an analytical, problem-solving mentality, as promoted by Burton (2001 b ), towards a deterrence, or power-political framework.

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<sup>234</sup> See article in the Sunday Times, 23/04/2006: 19

<sup>235</sup> See the Sunday Independent, report by Terreblanche 22/1/2006

### 9.3.7 Reconciliation and the TRC

The TRC continues to demonstrate a capacity to stir strong feelings, and even fan the flames of conflict, long after its termination. Ten years after its inception, and long after its formal dissolution, a conflict continues between those in the liberation movements and the apartheid security forces on one side, and the organs of civil society on the other, over the question of prosecutions of apartheid – era atrocities. As cases of liberation movement atrocities were being prepared for prosecution, the process was initially halted by the government<sup>236</sup>. There has also been an intervention by ex-President F.W. de Klerk, in the interest of ex-security force personnel, and a document has subsequently been drafted, setting out discretionary powers for the National Prosecuting Authority – in effect giving them the same powers as those initially given to the TRC, but in this case, to be exercised outside of the glare of public scrutiny which accompanied the TRC process. A number of NGO's, including human rights pressure groups have organised to challenge this development, as there is a fear that further amnesties will be granted, undermining the important work of the TRC itself, and divesting the amnesty process of the veneer of legitimacy that had been bestowed by perpetrator admissions. This NGO opposition also includes a number of individuals formerly associated with the TRC, such as Yasmin Sooka (ex-commissioner), and Howard Varney (legal counsel to the TRC), with ex - deputy chair Boraine also supporting the challenge. The ex-chair of the TRC, Bishop Desmond Tutu has expressed his reservations about the ability of successful prosecutions<sup>237</sup> after a lapse of so many years, with documents continuously being lost, and other sources of evidence receding. To some extent, the fears of those human rights-based critics of the TRC<sup>238</sup> have been vindicated, as it seems

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236 See the following reports by Terreblanche, (Sunday Independent, 28 November 2004), (Sunday Independent, 5 December 2004), and (Business Report 27 November 2005)

237 See report by Christelle Terreblanche in Sunday Independent (23/4/2006)

238 Critics such as Wilson (2001), cited in chapter seven above.

that the state is beginning to continue along the path of least resistance – the avoidance of prosecution of abuses, which continues and extends the earlier tradition of the TRC. This should be seen against the background of the recent critique of reforms to the South African legal system by the International Bar Association, particularly from judge Richard Goldstone, a co-chairman of its Human Rights Institute, who has warned that the South African legal system risks losing its reputation as one of the world's shining examples, saying that the proposed legislation would impact on the democratic pedigree of the new South Africa<sup>239</sup>.

Other ongoing matters causing unhappiness with the reconciliation process – especially so-called 'unfinished business', include the persistent lack of attention to reparations issues, as well as the lack of access to the TRC report by the general public<sup>240</sup>. There is an admission that the TRC only uncovered a small proportion of the truth of apartheid era abuses. That shortcoming is now being compounded by the inaccessibility of its report. In this regard, the government is coming in for strong criticism from a number of quarters, as it is being blamed for not bringing satisfactory closure to the whole TRC process<sup>241</sup>.

Much of the literature on the TRC reflects great confusion about exactly what the TRC was attempting to accomplish. Most recently an examination of Villa-Vicencio's writing illustrates this exactly (2006 a and 2006 b). On the one hand

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239 See article by Carmel Rickard in Sunday Times "Global legal body slams plans for SA judiciary (23 April 2004)

240 Pigou, director of the South African History Archive has stated (Sunday Independent, (23/5/06), for instance, that "...the vast majority of South Africans, including those who directly engaged the commission, have therefore never seen what the commission actually found and why.", and Varney has described the TRC report as "...one of the least read reports of its kind in the world.", citing the situation as a disgrace.

241 See for instance the articles by Villa-Vicencio, "Our past is still with us" (Sunday Times, 23/4/2006, p 19), and "Call for redress: TRC work still not completed" (The Herald, 26/9/2006, p. 4).

there is the call to bring closure to the issue of the past. On the other hand, there is the warning that white South Africans have not yet come up with the requisite contrition for their role in history<sup>242</sup>. There is disagreement among former commissioners on whether prosecutions should take place, or whether the attempt to bring these about would simply be technically unfeasible from a legal perspective.

The opinion has been expressed by influential participants, including archbishop Tutu, that whites have not internalized the reconciliation process, that insufficient recognition has been shown of the suffering of black South Africans, as well as the complicity of whites in that suffering. Others, mainly white South Africans continually call for the closing of the door on the past, and moving on.

There is a sense of great frustration in the plethora of newspaper and magazine articles that have appeared on the 10<sup>th</sup> anniversary of the establishment of the TRC. This reflects, in the opinion of this writer, the lack of a coherent theoretical base for the establishment of the Commission in the first place, as mentioned in Chapter seven above. The movers behind the TRC's establishment and its operations did not proceed from a clear theoretical perspective. The Commission was founded on a set of mixed religious, legal and pseudo-psychological assumptions, that presented no clear goals, or quantifiable success criteria.

### **9.3.8 Land Reform**

The iniquitous, racially biased imbalance in South African land ownership due to apartheid, has led to efforts to restore land to those black South Africans who were dispossessed or unfairly removed from their land. The policy has initially

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242 See article by Boyle (Sunday Times, 23 April, 2006: 1), Many statements by Bishop Tutu reflect this ambiguity, Tutu is one of those least interested in following the path of prosecution, seeming to suggest a 'forgive and forget' approach, and yet also continually commenting on the need for especially white South Africans to demonstrate a greater spirit of contrition for the past.

been based on the principle of “willing-buyer – willing seller”<sup>243</sup> in an attempt to treat all parties fairly. It has been difficult to implement, however, with many farmers holding out for prices that the government believes are higher than market value. This has slowed the entire process down, though there are voices within both the land claimants and the current owners groups that do accuse the government of unnecessarily delaying the process.

The net result has been, that President Mbeki has stated, in his February 2006 opening of parliament speech, that the state “...will play a more central role in the land reform program, ensuring that the restitution program is accelerated”<sup>244</sup>. The message implies that government would override the principle of “willing buyer - willing seller”<sup>245</sup>. White farmers in the Waterberg area have recently received notices of intent to expropriate their land<sup>246</sup>.

The issue of land, and its ownership and occupation is always an emotive one, as land transcends the definition of simple resource. It always contains elements that link it to the values and needs of parties. Farms are not simply the site of one’s own home and source of income; they are also a link to the past, and previous generations. The land issue is also of heightened importance to white

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243 See, for instance statement by Land Affairs Minister Thoko Didiza in October 2004, quoted in South Africa.info

244 Reported by Chiahemen and Bell for the Washington Post on Feb 3 2006

245 For an explanation of policy with regard to land restitution and redistribution in South Africa, see International Crisis Group (2004: 139 – 150)

246 According to Segalwe (2006), Agriculture and Land Affairs Minister Lulu Xingwana has issued notices for possible expropriation of four portions of a farm in Limpopo. The Commission on Restitution of Land Rights (CRLR) said through its Chief Land Claims Commissioner, that that “The notice for expropriation is our last resort following lengthy negotiations with the land owners, which to date have yielded no results in terms of restoration of land rights to the rightful owners,” The Commission has repeatedly stated that it faced challenges with landowners who delayed the negotiation process, inflated land prices and also questioned the validity of the claims. It said the decision to issue the notices for the possible seizure of portions 18, 20, 32 and 33 of the Turffontein Farm 499 KR was part of speeding up the country’s land reform programme. The land was claimed by the Letlhakane community in Bela Bela.

South African farmers, who draw parallels to the events in neighbouring Zimbabwe, where the land issue has given rise to the wholesale, brutal eviction of white farmers and their African labourers from their farms, and to the ultimate collapse of the commercial farming sector in that country. According to Sunter (2004:214) "We know that land is a highly emotive issue and, were land invasions to start on a wide scale in South Africa, international confidence would crumble. Probably nothing else could cause a tumble in world economic rankings as quickly as an unauthorised move of this nature." The land issue therefore has the potential to lead to highly destructive conflict behaviour, with high potential costs for the country. This has been recognized by the International Crisis Group, a conflict resolution organization that has warned of the possibility of increased rural violence unless the government increases the pace of land reform (International Crisis Group, 2004: 191). The land issue impinges directly on the security needs, and identity needs of all parties, making it a vital issue for conflict resolution in the form of problem-solving workshops in the eyes of the analytical conflict resolution school.

An additional, and related fault-line in South African society is to be found in the large numbers of white farmers who have become the victims of crime; particularly murder in the rural areas. Although there have been very few incidents of public, or political violence in the country since the 1994 election, one area of particular concern has been in the number of white farmers that have been murdered on their farms<sup>247</sup>. Although it may be argued that within the context of South Africa's high crime rate, the number of these murders is not particularly significant, these attacks, which are often excessively brutal, do attract widespread media attention and sow much fear in the comparatively small white farming community, who see this as at best, a real attempt to push them off

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247 Since 1994, 1600 white farmers have been murdered in over 8000 attacks on farms. Nyanto (2006a: 14) maintains that the murder rate for South Africa's white farmers is the highest for any specific group in the world, at 313 per 100 000.

the land, and at worst; a creeping form of genocide<sup>248</sup>. No evidence has been found that these attacks are anything more than random crimes of opportunity, but, as in most instances of conflict, it is the perceptions of the people involved that are important in this context<sup>249</sup>.

Pierre du Toit (2001: 126) has made the point that a feature of the farm killings has been that all the victims were white, and almost all of the perpetrators were poor, young and black. Du Toit makes the point that this is not ordinary crime, "...but rather crime which serves as a public statement of anger and resentment which has its roots in the denial of dignity, in the attempt to regain such dignity, and in the disillusionment of finding that the promised liberation failed to deliver either material or symbolic goods able to satisfy this need," (Ibid. 127). This fault line illustrates frustrated identity needs, and also frustrates the security needs of the parties involved.

### **9.3.9 Emigration**

Given South Africa's particular racial composition and wealth distribution, some of the manifestations of the conflict, though they persist, are not readily observable as conflict behaviour, such as protests, violence and argumentation. For instance, much conflict behaviour takes the form of emigration and temporary migration. Particularly in the white population, many young South Africans migrate, initially temporarily, though often for extensive periods, to countries around the world, where they work in temporary employment, maintaining links with their families at home. According to some reports, as many as half a million such people are located in London, as an example. Many others have also emigrated to the United States, Australia, New Zealand, and United Arab Emirates. Though this process occurs without overt violence or coercion, many

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248 See, for instance, the website Stop Boer Genocide.Com  
<http://www.Stopboergenocide.com/124553/125053.html>)

249 According to the report of a special commission of enquiry into the issue of farm killings, issued in 2003, full 90% of the farm attacks were related strictly to robbery (Nyanto, 2006a: 14).

of the migrants perceive that they have very little option, and that employment options in South Africa are either very slim, or practically non-existent as a result of affirmative action and black economic empowerment policies. The high levels of violent crime and corruption are also often cited as reasons for their departure. The phenomenon is damaging the economy of the country, through a flight of skills, especially in the highly sought-after employment categories such as engineering, and the other professions, and a flight of capital and potential tax revenue. The South African Institute of Race Relations' 2006 SA Survey cites emigration as the chief reason for the dwindling number of white South Africans. According to demographics researcher at the SAIRR Macfarlane, the declining white population would have serious consequences for the country's skills base as well as its tax revenue (The Herald, 5 April 2006: 10). According to Frans Cronje of the South African Institute of Race Relations, crime and affirmative action are the main causes of the emigration of approximately a million white South Africans. These findings are based on Statistics South Africa's Household Surveys, between 1995 and 2005. The losses are particularly among young South Africans, where a "whole generation" has disappeared. Implications include the fact that remaining tax-paying whites are getting older, and will soon no longer be contributing to the South African economy.<sup>250</sup> The phenomenon places South Africa fairly high on the list of refugee-generating countries in the world. If accurate, it implies the departure of fully twenty percent of all white South Africans. Fortunately, there has been a realization of the seriousness of the situation, and measures have been put in place to attract South Africans abroad back home, with job offers and similar enticements, although indications are that this has not proved successful. The flight of predominantly white South Africans represents their solution to seek needs satisfaction elsewhere. Their choice of leaving, in itself will heighten the identity and security needs frustrations on the part of those group members left behind.

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250 See, for instance report by Van Aardt in Rapport newspaper (24 September 2006, p1). Also, in the same newspaper, it is reported quoting Macfarlane of the SAIRR, that the normal population pyramid is skewed in the white case, with a massive gap in the age cohort between 20 and 39 years old (Rapport, 24 September 2006, p 4).



### **9.3.10 The Rise of ethnicity, primordialism, and the re-racialization of South Africa.**

Over the past few years, developments in South Africa point towards the rise of a politics of populism, the pre-modern and a lack of respect for the practice of liberal democracy.

The series of conflicts surrounding the former deputy president of South Africa also provide a warning of more serious rifts in the governance of the country. Jacob Zuma, accused of unethical behaviour, including the receiving of bribes in the context of South Africa's major arms purchasing deal, was relieved of his position as deputy state president, by president Mbeki, as a result of the finding of the court in the Schabir Shaik<sup>251</sup> fraud hearings, that he had participated in a generally corrupt relationship with Shaik. Zuma was subsequently to be prosecuted in his own right for the alleged crime. In the interim, he was accused of, and stood trial for the rape of a young woman. Although found innocent of the rape, the trial uncovered what has been slated by many as highly questionable personal behaviour, or behaviour unbefitting a national leader, especially with regard to his disrespectful attitude towards women, and his cavalier approach towards HIV/AIDS, where Zuma was concerned (Nyanto, 2006 b: 15). At the time of writing, the corruption trial has been struck off the roster due to the tardiness of the prosecution in preparing their case, and it is currently uncertain whether the former deputy president will indeed stand trial.

It is not so much the behaviour, or the guilt or otherwise of the former deputy president that is of most concern in this development, but rather the behaviour of his very prominent, and visible supporters. All of his trial appearances have been accompanied by vociferous public demonstrations by a supporters club, who

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<sup>251</sup> Shaik was found guilty of corruption in respect of the arms deal, and in the process, of being involved in a "generally corrupt" relationship with the deputy president.

chant, burn effigies of the State President, cast stones at the rape accuser, and indulge in various forms of unruly or violent behaviour. Zuma is being promoted by this group, which includes elements in the ANC Youth League, and the Trades Union movement, as the next president of the country. There have been calls for his re-instatement as Deputy President. There is a triumphalism surrounding Zuma, and his successes in avoiding conviction, that suggests that any form of immoral behaviour, or instances of poor judgement would be immaterial to his suitability for election to the top office. For some, it seems as though these incidences of poor judgement make him more attractive as a candidate; someone with whom they can identify, as opposed to the more remote, cold figure of the President. Zuma's supporters believe that the cases against him have been trumped up by President Mbeki and his supporters in the government and the ANC.<sup>252</sup> The issue has led to numerous acrimonious exchanges between Mbeki and the Trade Union movement, the ANC Youth League, and most recently the South African Communist Party. The situation is that the disaffected sections of South African society, especially the marginalized poor, who seem to be increasingly worse off, and more numerous, see in Zuma the kind of leader who they would most like to see rule the country.

Another politician culpable of the corrupt practice of taking gifts from arms deal contractors, Tony Yengeni, also a populist, provides a similar example. After being found guilty and sentenced, his triumphal entrance to the prison became a public celebration, instead of a public disgrace. It was attended by many

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<sup>252</sup> See, for instance Sapa (20 September 2006) report "Cosatu looks forward to a future in which democracy can flourish free of the machinations of secretive and manipulative agencies, and where decisions about the political direction of the country and about the selection of leadership can proceed without fear of delays and interruptions from spurious and abusive use of the courts." – accessed from IOL website 19 October 2006 url:

[http://www.iol.co.za/index.php?set\\_id=1&click\\_id=2996&art\\_id=qw1158761521512B223](http://www.iol.co.za/index.php?set_id=1&click_id=2996&art_id=qw1158761521512B223) . See also the article by Nyanto 2006 b, where she writes of Zuma: "He believes he has become a target of a conspiracy to prevent him from succeeding Mbeki. Thus the conspirators within the ANC have connived to use the National Prosecuting Authority to hound him with charges."

approving government luminaries, and was aired on public television in a carnival-like and excited fashion.

As yet, the ethnic factor has not become overt and is being downplayed by the organizations, but the increasing resentment at a concentration of Xhosa-speakers in the government and sharing the spoils of government, is a factor causing great disaffection. Zuma is a Zulu, and that factor is sometimes played up by his supporters and detractors alike – a fact that Home Affairs minister Buthelezi has seen fit to warn about <sup>253</sup>. At the same time, government is intent on passing legislation that will make it compulsory for employees to indicate their racial affiliation in order to facilitate the BEE process. A number of political observers have noted that this is exactly what the previous government did, in order to advance the interests of one racial group above the rest <sup>254</sup>.

There is, among the citizens of South Africa, a form of behaviour here that spurns the niceties of liberal democracy. It reflects a lack of concern for issues of justice, human rights and equality before the law, and tolerance of opposition, that have become the hallmark of sound democratic governance. The attention of the world's markets has been drawn to these events, and the exoneration of Zuma in his rape trial, and the "throwing out" of his corruption trial have both been accompanied by sudden declines in the value of the national currency, indicating a concern abroad over South Africa's political stability. The state of affairs, along with the high levels of violent crime discussed above has recently led Archbishop

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253 Buthelezi has recognized the danger of inciting ethnic hatred in SA according to the Mail and Guardian (13 – 19 October 2006: 10) "At the IFP's national conference in Ulundi at the weekend, [Buthelezi] warned that Inkatha members peddling the theory that Jacob Zuma was being ill-treated by his comrades because he was Zulu were 'playing with fire'. Africa is sick and tired of ethnic wars, as we can see in Darfur, bandying about this kind of allegation is most dangerous for us as a country and as one South African nation. It can start a conflict that we do not need."

254 In this regard, both Frederik Van Zyl Slabbert, and Allan Boesak have publicly indicated their refusal to comply with such legislation. See Du Toit's page 4 article (24 September, 2006) in Rapport.

Desmond Tutu, in a lecture at the University of Cape Town, to launch a passionate indictment of the rainbow nation, saying it was “losing its moral bearings.” He continued by asking “What has come over us? Perhaps we did not realise just how apartheid has damaged us so that we seem to have lost our sense of right and wrong.” He listed appalling incidents including the rape of a nine-month-old baby by an adult man, and the throwing of people off of moving trains, simply because they did not join a strike. He went on to ask “What has happened to us? It seems as if we have perverted our freedom, our rights into license, into being irresponsible.”<sup>255</sup> The archbishop makes a very good point, one that calls into question the nature of post-apartheid South African society. There is a lack of a moral core that indicates that something has indeed gone horribly wrong with the South African resolution process that began so hopefully in 1994.

#### **9.3.11 Meta Conflict**

As a facilitator and mediator into various conflicts in South Africa, this author has experienced the phenomenon of what we are calling a metaconflict, which impinges on the day-to-day conflicts that we deal with. It is our experience that in this country, localized conflicts, involving specific development or other low-level issues, continually take on aspects of deep-rooted social conflict. Values, and needs-related bases of conflict assume great importance, seemingly beyond the scale of the immediate conflicts at hand<sup>256</sup>. These aspects impinge, to make what seem to be commonplace and otherwise straightforward disputes resemble intractable conflict. Normal, or traditional techniques of conflict management have very little impact on the conflicts, which seem to become unnecessarily

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<sup>255</sup> Cited in The Herald, 28 September 2006 p 3

<sup>256</sup> See for instance The Conflict Cube as an explanation of the different bases of conflict in Bradshaw, (1999: 3-6). Instead of resource (interest-based) conflicts routinely being resolved through straightforward negotiation and mediation processes, unresolved value and basic human needs elements seem to impinge from the historical conflicts in the country. This also indicates past relationship issues relating to inter-communal trust that have been left unresolved.

protracted. Invariably, there is a larger conflict in the background, that is unspoken, that has to do with frustrations that have not been adequately addressed through the macro conflict management processes in South Africa's political transformation, that insinuate themselves into otherwise ordinary disputes. This is what we are calling meta-conflict.

Meta-conflicts manifest themselves in many different ways in the social, economic and political life of South Africans. Examples would be community policing representatives often not being willing to accept the police as allies in fighting crime, in the years following the political transition, because they remain unable to see the police, not as political opponents, and representatives of the oppressor, but as their own police, charged with their protection. This has hindered the process of the establishment of community policing structures in the country. It has led to unreasonable demands by the population on the police, such as the demand for the use of police facilities, such as vehicles, for use outside of strictly policing functions, (such as to provide transport to meetings), to demonstrate the bona fides of the police <sup>257</sup>.

A further example of the power of meta-conflict is when environmental disputes such as the continued functioning of a waste disposal site, become highly politicized, as protagonists use the situation of previously disadvantaged communities as a political football, to finesse perfectly sound and legally correct consultation processes, and in the process undermine the highest standards of environmental protection. No satisfactory solutions to the dispute could be found, and the local authority is rendered powerless simply by accusations, no matter how unfounded, that it supports development at the expense of the health of previously disadvantaged citizens. The dispute continues for years, with the waste disposal company cutting down the range of its services, and the larger

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<sup>257</sup> This author acted as consultant to the Police of the Province of the Eastern Cape during the period 2004 – 2007, as convenor of the change management team of the Department of Safety and Security in the province. One of the duties associated with the function was the facilitation of the development of the community policing approach in the province. These are some of the problems experienced during that time.

community suffering as a result of the higher cost of shipping waste out of town, the dumping of waste in another city, and the practice of less than safe waste disposal, of some categories of waste, of necessity, which results in more, rather than less local pollution<sup>258</sup>.

In the case of a land development dispute in the Joe Slovo informal settlement, outside Port Elizabeth, despite going to the greatest lengths to ascertain the will of a particular community with regard to the development of a residential area, by facilitating a democratic decision-making process, a resolution could not be achieved<sup>259</sup>. Notwithstanding an overwhelming, democratically arrived-at decision in support of a specific course of action, a minority refuses to support the process, and the local government does not have the will to enforce the decision of that majority. Parties appear to be driven by external values, that bear very little relation to the issues in conflict. The dispute continues, and the community suffers without adequate services to its residents.

#### **9.4 Conclusion**

In summary, in measuring the South African experience against the theoretical requirements for conflict resolution, presented by the analytical conflict resolution school, the following lessons can be drawn:

Burton and his colleagues have made it clear, that pre-negotiation interventions need to take place, according to a strict process formula. In the South African case a number of comparable workshops were carried out. They followed a number of different patterns, some of which were similar to the requirements of the Analytical Conflict Resolution School, but by no means closely following

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258 This author acted as facilitator in some of a series of disputes between 1994 and 2000, during which attempts were made to mediate disputes between a local waste disposal company WasteTech. See facilitator reports concerned.

259 See for instance, facilitators report in respect of the Joe Slovo dispute to the NMMM, submitted by Bradshaw 2003.

those guidelines. These workshops include the “business” meetings with the ANC, the Dakar meeting and follow-up workshops organized by Idasa, and the Mells workshops between Afrikaner leaders and the ANC leadership in England. What the workshops lacked in methodological rigour, or their faithfulness to the theoretical model, they made up for in transfer effects. This is especially true of the Mells workshops, which, though concealed from public scrutiny, in true Burtonian fashion, were far superior to many interventions attempted in other contexts<sup>260</sup>. In this regard then, it seems as though the procedural requirements for resolution of the theory of the analytical conflict resolution school is largely borne out.

Many of the analytical conflict resolution authors, including John Burton have stressed the importance of restored relationships as being at the core of conflict resolution. This aspect cannot be dealt with in a static sense. It is of necessity time dependent. The data gathered by recent opinion surveys however indicate that ten years on there is a lack of trust at an interracial level in South Africa, which stubbornly persists after a decade of democracy. Interracial collaboration and socializing outside of the workplace is quite rare, and there is a lack of understanding across the racial divide. Burton and his colleagues would be disappointed by this evidence.

Unsurprisingly, given their emphasis on the importance of basic human needs, the conflict resolution scholars identify a high level of human needs satisfaction as indicative of conflict resolution. In the South African case, there is clear evidence of a lack of needs satisfaction. Scholar after scholar stresses the concern with the lack of attention in the country to the satisfaction of physical

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260 For instance, many of the workshops held in the Middle East have been based on meetings of student leadership on both sides of the conflict (See, for instance, Herb Kelman in this regard) The chances of significant transfer effects in such cases are clearly not as good as using individuals with already established, and close relationships to the political leadership as in the South African case. As some have alluded, these were essentially track “one and a half” with ANC leadership actually present.

needs, particularly. The protests around the lack of service delivery illuminate a widespread dissatisfaction with the situation, which is exacerbated by the neo-liberal economic policies of the government. Burton has stated that “Within a human needs frame it could be deduced that within poverty there is a lack of role and identity.” (1997: 148). Poverty and inequality remain at extremely high levels in the country.

The importance of distributive justice has been stressed by the conflict resolution movement. This is linked, in the case of Burton to his notion of human needs, in his stated “need for distributive justice”<sup>261</sup>. Though many of those involved in the TRC process seem to have made a virtue of necessity in their praise for restorative justice in the South African reconciliation process, it has left many others, including legal scholars, concerned about the long-term effects of a lack of traditional notions of justice, and the impact that that will have on the ability of the country to sustain a human-rights based democracy, and the absence of distributive justice is clearly problematic for the analytical conflict resolution school.

Burton, especially in his later work, has stressed the importance of conflict “provention”. He stresses the need for ongoing transformation of society, moving it away from the traditional notions of democracy, and rights, towards a more progressive society, based on the ongoing engagement with problem-solving and needs-satisfying processes. Structures should continually evolve to satisfy human needs. Though the South African experience included the National Peace Accord, which provided just the type of interaction required, the arrival of formal democracy has been disappointing, with less and less consultation, and a general feeling of government not taking the needs of people sufficiently seriously. A lack of follow through on the Truth and Reconciliation process supports this line of reasoning, as does the switch away from a community

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<sup>261</sup> See our treatment of Burton’s human needs in chapter four.



policing approach, to a law and order model that became evident in 1997. Increasing signs of government intolerance mentioned above also bear out this argument.

Burton has been at pains to stress the importance of accommodating the needs of the minorities in post-deep-rooted-conflict societies. In this regard, he has stressed special representation for minorities, and special constitutional arrangements. Once again, the South African case has been disappointing in delivering such structures. The Government of National Unity was established to guarantee the opposition parties a share of participation in the government of the country. Although the IFP's leader, Mangosuthu Buthelezi retains a ministerial position, the Government of National Unity did not survive the first electoral term of office.

The watered-down, pseudo-federal nature of the South African constitution also does very little to set the minds of South Africa's minorities at ease. The constitution is sufficiently flexible to be changed by the current ANC parliamentary majority, and the history of South Africa has shown how a determined government can substantively change a constitution to deny the expansion of democracy<sup>262</sup>. The powers of the provinces are extremely limited, and do nothing to guarantee any form of regional political autonomy. Burton has stated: "South Africa has become a multiracial society, largely as a result of exceptional leadership, but it remains to be seen whether minorities will experience a sense of participation in the new system. It may transpire that separate autonomies within the same nominal federal structure would have been a more behaviourally realistic system" (1997: 75). Talk of President Mbeki seeking a third term of office indicates an intention to concentrate power, and only exacerbates this situation.

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<sup>262</sup> The machinations of the National Party in removing Coloured South Africans from the voters roll provides an instructive case in point. It was due to the ability of the National Party to override the various protections in the constitution, that they succeeded in their aims in this regard.

Finally, the conflict resolution school does not require of resolution that there be a future free of any form of conflict. Burton's statement (1972: 137 – 138) "Conflict, like sex, is an essential creative element in human relationships. It is the means to change, the means by which our social values of welfare, security, justice and opportunities for personal development can be achieved...conflict like sex is to be enjoyed.", is probably the clearest in the literature in this regard. Everything depends for them, on how ongoing conflict is managed. Ongoing conflict management and prevention is expected, as mentioned above. South Africa has managed to contain its value differences, and competing interests in a stable manner to date, but the fault lines that have been mentioned above still persist, and need extremely careful management. In this regard, we agree with the sentiments of Gibson and Gouws (2003), and Esterhuysen (2004) who stress the importance of the role of leadership, in pushing forward reconciliation and the other necessary elements of a stable, resolved conflict. According to Gibson and Gouws, for instance: "A tolerant future for South Africa thus may rely heavily upon the role of elites - as the most obvious example, such an outcome relies upon a tolerant Constitutional Court. But our conclusion also necessitates someone making an argument in favour of tolerance; without an argument, no deliberation takes place, and therefore there can be no persuasion." (2003:221).

In summary of the survey results of Lombard (2004) Hofmeyer (2005) and others; though there have been improvements in some areas, the lack of respect for the rule of law, the lack of acknowledgement of the evils of apartheid, and the lack of commitment to forgive or forget the past remain problematic. The surveys therefore present a mixed picture, with slow but steady improvements in indicators of reconciliation across time, but with some areas, as highlighted above remaining quite problematic.

The various elements of conflict resolution are reflected in our South African conflict resolution scorecard matrix in table 9.1 below.

TABLE 9.1: MEASURING CONFLICT MANAGEMENT IN SOUTH AFRICA AGAINST  
CONFLICT RESOLUTION THEORY

Conflict Resolution Theory	South African Practice
Procedurally - the conflict is resolved according to analytical problem-solving workshop processes, which make negotiation possible.	Analytical workshops were used, between 1985 and 1990, though not always in accordance with Burton's prescriptions. There were very good transfer mechanisms, however, that might be said to offset this weakness. It is felt that the pre-negotiation interventions were an important factor in enabling negotiations.
Evidence of restored relationships, and "valued relationships" exists.	Evidence collected in opinion surveys, during 2004, 2005 and the outcome of elections since 1994 indicates that there is a lack of trust, especially with regard to interracial, political collaboration. Social distance is high, and Government is seen as "distant".
High level of identity needs satisfaction, maximization of autonomy and self-determination	Clearly, a lack of needs satisfaction in South Africa remains a cause for concern, especially as far as physical needs are concerned. The fact that government is perceived as not heeding the demands of the people for services, etc. is also problematic from an identity and control needs, and valued relationships perspective.
A high degree of distributive justice.	Distributive justice was compromised in the TRC process, and in the country generally, with regard to human rights abuses and oppression of the past. Gross economic inequality is still the order of the day in South Africa.
A high degree of security needs fulfilment	In South Africa, security remains problematic. High levels of violent crime, and violent means of conflict settlement in schools persist. Farm killings continue.
Ongoing analytical "provention" processes, to bring about basic human needs satisfaction continue. A problem-solving decision-making framework predominates.	There is a serious lack of attention to ongoing conflict resolution processes of any kind, in the country, by the government, and perhaps insufficient interest in conflict resolution shown by strategic sectors within South African society. The NPA was discontinued. There is a need for institution-building in the conflict transformation management and resolution field in South Africa. A "power" or "deterrence" framework still persists.
Political Institutions need to be structured to give protection to minorities.	There is very little evidence of such restructuring in South Africa. It is essentially a unitary state. The first five years saw an accommodation of opposition interests in a Government of National Unity, but subsequently, minorities have not received special protection, except through respect for the equal status of languages.
Resolved conflict does not imply a future without any form of conflict	Current levels of conflict behaviour in South Africa seem to be sustainable, although certain areas, mentioned above, give cause for great concern, and may deteriorate if not specifically addressed.

In measuring the South African process against the predicted outcomes of the analytical conflict resolution school, we come to the following conclusions:

To a very large extent, the approach of the analytical conflict resolution school has been vindicated. This is especially true of the procedural elements concerning conflict resolution. The methods that the school proposes were indeed applied to a large extent, and together with the ripeness hypotheses of Zartman, could be said to explain what seemed at the time, an unlikely miracle of the South African negotiated settlement of 1994. However, the analytical conflict resolution school accepts that resolution in this sense is only an event, that on its own will not lead to a permanent state of resolution, or the reconciliation of a deeply divided society. For that to occur, prevention must take place. By this is meant the continual use of problem-solving, as opposed to adversarial, or deterrence processes. Burton, (1990 b: 18) states: "...the removal of causal conditions, and the positive promotion of environments conducive to collaborative relationships - extends the scope of our concerns beyond the narrow area of conflict resolution."

The South African settlement of 1990 to 1994 could be well explained in respect of the analytical conflict resolution approach. Even as an instance of deep-rooted social conflict, the South African situation responded to a series of interventions, and predicated upon hurting stalemates and a ripeness that, in retrospect would indicate the possibility of a successful outcome; one that would deliver a reasonably durable negotiated agreement<sup>263</sup>. The process was facilitated in its more delicate moments, when violence threatened to devastate the negotiations, by the implementation of the National Peace Accord; a conflict management system.

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263 By comparison to some of the conflicts that were constantly cited by the analytical conflict resolution school as similar to the South African case, such as Israel/Palestine, Lebanon, or Sri Lanka, the South African outcome to date seems miraculous.

A realization that the deep-rootedness of the South African case demanded further attention to the deeper, psychological aspects of the conflict, if the miracle was to prove sustainable, resulted in the establishment of the Truth and Reconciliation Commission. Unfortunately, the TRC did not live up to its promise, as evidenced by deep dissatisfaction among many of the victims, and the lack of adequate reparations, the absence of remorse on the part of the perpetrators, the partial nature of the process, and the sad squabbling and multiple dissatisfactions evinced by many of those who had been associated with the establishment and functioning of the commission. These shortcomings, along with the premature truncation of the NPA, and the lack of continual opportunities for problem-solving, human needs-centred processes in Burton's sense of prevention, has again, quite predictably undermined the sustainability of the South African conflict resolution process. This process has proved unable to transcend the (first-level change) notion of resolution, and achieve Burton's (second-level change) conception of conflict prevention. According to Burton (2001 b), the ultimate challenge of sustainable conflict resolution is the establishment of social and political institutions that are problem solving, and not adversarial or confrontational. If street violence or ethnic conflict is to be avoided, then party political and ideological approaches must give place to interactive analysis, even at a political level.

In general, the South African process has proved unable to satisfy basic human needs, and in respect of a series of critical needs satisfactions therefore, there has been a tendency to seek the alternative forms of satisfaction set out below:

Identity needs:

Favour elite ethnic in-groups, or challenge the ethnic incumbents, in order to overcome the frustration of identity needs. Attempts to re-racialise the workplace are a further expression of insecurity around identity, which will be experienced by others as exclusion and marginalization. It will lead to higher outward migration statistics, among other negative effects.

Need for distributive justice:

Any need for distributive justice remains largely frustrated among the vast majority of South Africans, as distributive justice enjoyed a low priority in the National Peace Accord (where the Socio-economic dimension failed to materialize) and in the Truth and Reconciliation Commission Process, where envisaged reparations to victims received little attention from government. Additionally, the socio-economic policies of government exacerbate the position of the poor, and inequality remains at previous very high levels.

Security needs:

Emigration on the part of skilled individuals who feel marginalized and alienated is a natural reaction of those who experience the continuing frustration of their security needs. Security needs frustration also leads to the greater use of private security companies, greater visibility of inequality and feelings of exclusion on the part of the poor.

Relationship needs:

The “super need” for valued relationships; the need that balances the other needs, is particularly frustrated in South Africa. Government is seen as particularly distant, and out of touch on many issues – such as in the treatment of aids, for example, or in respect of same-sex marriage. Although legitimated in a narrow, political sense, the government cannot be regarded as “close” to the people. Research indicates poor identification with the government. The white minority group feels especially alienated. All the polls point to a very low instance of cross racial relationships, and this percentage is not increasing.

The evidence of needs frustrations indicated above, and the lack of implementation with regard to conflict prevention activities hold serious implications for the future of South Africa, which we will address in the general conclusions of this study which follow. We will point out the implications of these

failures for the prospects of peace in South Africa, and make recommendations for the consolidation of conflict prevention in the country. Additionally, the South African experience illustrates some points of learning for the analytical conflict resolution school, which will also be addressed in the concluding chapter.

## **CHAPTER TEN: CONCLUSION**

“South Africa has become a multiracial society, largely as a result of exceptional leadership, but it remains to be seen whether minorities will experience a sense of participation in the new system. It may transpire that separate autonomies within some nominal federal structure would have been a more behaviourally realistic system.”

John Burton (1997: 75)

### **10.1 Introduction**

This study has investigated the attempts to manage the South African conflict, especially, the various pre-negotiation initiatives to get the parties to the negotiating table, the National Peace Accord that aimed at keeping the parties at the table when violence threatened to undermine the negotiation process, and the Truth and Reconciliation Commission, that in recognition of the deep-rootedness of South Africa's conflict, attempted to address the emotional and value-laden aspects of the conflict. In order to establish a perspective, against which to evaluate these initiatives, we chose the basic human needs perspective of the analytical conflict resolution school of scholars, which we contextualized within the field of theories of social conflict more generally. We finally tested, in Chapter nine, the South African conflict situation at the time of writing, against a matrix of requirements for resolution, which we developed from close reading of the analytical conflict resolution literature.

### **10.2 Conclusions drawn from the study**

We set out to shed light on the South African social conflict. Seen through the lens of the analytical conflict resolution school, the question is posed: Is South Africa truly an example of protracted social conflict? The examination carried out in Chapter five above indicates unequivocally that it is indeed an example of



protracted social conflict, conforming strongly to every one of Azar's characteristics of protracted social conflict.

But protracted social conflict, according to the theory is not easily resolved. Yet observers write glibly of the South African miracle. According to theory, specific interventions would be necessary to reach a negotiation process. Though not generally known at the time, a series of pre-negotiation workshops were held, most of which resembled, to an extent the process prescribed by Burton and his colleagues. Some scholars believe that these interventions genuinely paved the way for the negotiations that followed (Kruger, 1998, Lieberfeld, 2005). Was the conflict "resolved" by the interventions which took place?

#### **10.2.1 An evaluation of the pre-negotiation conflict resolution processes**

It is extremely difficult to assess the efficacy of specific intervention models, especially in the context of macro- societal level social processes. There are many extraneous factors, or intervening variables at play which affect those processes, in addition to those interventions under examination. Tidwell (1999:174) makes the case very nicely as follows: "No matter what skills or processes are brought to bear upon a conflict, there is still the remainder of the world to impact upon the process."

In the South African case, for instance, we have the collapse of communism at the international level and the rise of de Klerk as a new leader of the National Party, or the shifts in the nature of the political constituency of the ruling NP. The success of the South African miracle might simply have been a function of "ripeness" due to the existence of a hurting stalemate; Zartman's "plateau", with both major protagonists confronting the "abyss", or "precipice" of inheriting a wasteland. In this sense then, we can never be sure of the exact effect of the interventions. However, the pre-negotiation process was extensive and of a very high quality in respect of transfer potential.

Some general points of critique can be made before we deal with the specifics of the various conflict management initiatives under review:

In none of the conflict interventions analysed here was initiative explicitly informed by a conflict resolution theoretical perspective. Approaches were invariably eclectic, representing a “muddling through”, reactive approach. They were simply a response to the political logjams of their time. They were conceived of as opportunities to learn more about the other side (Dakar), and to address issues that seemed to be preventing the parties from accepting negotiation as a conflict management approach. Basic human needs, though indirectly addressed (for instance the need for security) were not dealt with as explicitly as Burton prescribes, and the organizers do not acknowledge any intellectual debt to the ACR approach at any stage. The NPA represents a desperate response to a rapidly deteriorating internal security situation, and one of the chief architects, Peter Gastrow (1995: 36, 37) has admitted to a lack of explicit theoretical perspective in the establishment of the accord: “Their actions were determined by intuition rather than by a plan of action derived from existing conflict resolution models.” In the case of the TRC, we find, again a lack of coherent, theoretical intent, with elements of religion, psychology and law, all vying for dominance in the explanation of, and motivation for the Commission.

Our examination of the South African experience provides a number of lessons for the proponents of the analytical conflict resolution school. We list them below:

- One of the aspects that the study points to is a lack of clarity in the analytical conflict resolution literature, concerning the precise nature of conflict resolution – how do we measure it? How do we know when conflict, in the sense used by the analytical conflict resolution school, is in fact, “resolved”? It is hoped that this lacuna has been addressed, at least to some extent, in the development of our “scorecard matrix” in our

Chapter nine above. There is much more work that remains to be done in this area, however.

- Related to the above point, is the vagueness of the human needs concept. The acrs will have to be more specific as regards indicators of needs and their satisfiers if they are to earn the respect of a broader conflict field of scholarship, and maintain the credibility of the needs concept. This remains problematic, even though the approach is seen by most in the conflict resolution field as the best candidate for the development of a general theory of deep-rooted social conflict. Perhaps the work of Clarke (2005) in the development field might serve as a model for the generation of measures of needs satisfaction in conflict resolution<sup>1</sup>.
- It is clear that track two processes, with very good transfer mechanisms, as in the case of the South African meetings, held in the UK, Dakar, and elsewhere, did serve very useful purposes in the pre-negotiation, exploratory phases of the conflict resolution process. To some extent, these meetings addressed the security needs of the parties.

Additionally, it is patently clear that the intervention processes were effective despite their not having been carried out according to a self-consciously human needs oriented framework, nor even a conflict resolution one, for that matter. Burton (1987a) gives a categorical prescription of the analytical problem-solving workshops as very strictly rule-bound – if they are expected to work at all. The entire process has to conform *precisely* with the prescriptions of his framework.<sup>1</sup> In the South African case, many of Burton's non-negotiable rules were broken; the organizers were not even aware of Burton's rules; yet the processes worked to the extent that the parties did get to the table, against all expert expectations to the contrary, indicating that the communication process does not necessarily have to be controlled as closely as Burton envisages. The point of learning here, is that an approach loosely based on Burton's track-two problem solving workshops can bring deep-rooted social conflict

to a negotiation, when there is a moment of ripeness, and if there are significant opportunities for transfer effects to take place.

- The fact that the South African interventions were effective, despite their lacking a close conformity with the Burtonian model indicates that all conflict situations are different to some extent, and that therefore an exact, “one size fits all” solution to all conflicts is impracticable; which is not to say that the analytical problem-solving workshop is ineffective in bringing parties to the table; it clearly is, even in adapted forms.
- The analytical conflict resolution school insists that its facilitator panel of experts consists of scholars only (Burton, 1987: 41- 47). The South African experience has amply demonstrated that individuals from other social institutions, such as business and the church have an immensely potential role to play, not only in taking the lead in discreet acts of conflict intervention, but in establishing and supporting conflict management systems as well. We argue that this experience should be taken on board, and accommodated by the analytical conflict resolution school.

The above point underlines the crucial role of an active and strong civil society in a transitional context, which provides a constant supply of talented individuals, capable of playing facilitative and related roles in various conflict management processes.

- The ACR theorists need additionally to take on board the possibility of using “insider partials” in their processes. There is so much concern for impartiality, or even neutrality on the part of the facilitating panel, that the approach seems to have lost sight of the usefulness of “insider partials” such as provided by business and the church in the South African context.
- The ACR scholars have continually insisted that participants should be well-placed, non-decision makers. The South African case indicates that it is also possible to successfully include informal with formal leaders, in a “track one and a half” process, and still arrive at a negotiated agreement.

- The ACRS interventions are always presented in their literature as stand-alone ventures. Current circumstances demand that the ACRS approach links to other initiatives, which might be occurring simultaneously. The South African case through the history of the NPA demonstrates the importance of multi-level, multi-agency interventions, with many different actors playing complementary roles.

The ACRS has shown itself to be an extremely useful theoretical approach to protracted social conflict. As an approach it has shown itself capable of fully explaining the genesis and development of the South African conflict. In terms of the problem-solving approach, it was shown to be one of the factors instrumental in bringing about a democratic transformation in 1994, and that development fits the expectations of the approach.

The theory does, however, also speak to the post-settlement, or even the post-resolution phase, and explains, very accurately the growing tensions and fault lines in the country twelve years into the democracy. Extrapolatory reasoning would therefore suggest that the warnings of the ACR school should be taken seriously, and that prevention be built into the society, and that opportunities be taken by the leadership for the building of relationships, and the satisfaction of basic human needs wherever possible. We address the analysis of South African society at the time of writing, and a future prognosis from an ACRS perspective in the next section.

### **10.2.2 A Post-Resolution South Africa**

For many political theorists, the desired outcome of a conflict management exercise would be a functioning liberal democracy. Even measured against that yardstick, though, there would be question marks surrounding the performance of the South African polity at the time of writing. The investigation presented in Chapter nine indicates among other issues that:

- In respect of delivery, not only is the non-delivery of services a source of conflict in the society, but inequality has not been addressed, nor have the high levels of poverty. Unemployment remains a problem. The majority of South Africans have not experienced real improvement in these areas. Delivery, to the extent that it occurs is also skewed, with certain sectors benefiting at the expense of others. Perceptions of unfairness abound.
- Looking for evidence of increased tolerance, and improved race relations, surveys indicate very little improvement in this area. The continued racialization of political parties is a case in point.
- Liberal democracy, despite the model constitution of 1996, is threatened by the moves to undermine local and provincial government, the independence of the judiciary, and the freedom of the press.
- The government of national unity has rapidly made way for acrimonious relationships between the governing party and its opposition, and growing tensions among the members of the alliance of COSATU, the SACP and the ANC.
- The special arrangements for ongoing conflict management throughout the country through the agency of the National Peace Accord, were rapidly terminated, with the winding up of the NPA. The other specialist conflict resolution initiative of the South African conflict resolution process, the TRC, has stuttered on the acrimony of many of those who were involved in the process, accusing government of not bringing its side of the bargain.
- High levels of violent crime in South Africa continue to mitigate against the satisfaction of security needs in the country. The growth of gated communities and private security companies indicate the insufficiency of the security provided by the state, and the attempts by the wealthy to improve their own security. Though the rich are able to provide their own security, this cannot be a solution for the society as a whole, and simply highlights the inequalities of the system.

- Economic policies followed by the South African government continue to exacerbate inequality, with a concomitant frustration of a need for distributive justice.
- Some begin to write about the re-racialisation of South Africa, bearing out the warnings of Bernstein (1998), mentioned at the beginning of Chapter eight.

However, the analytical conflict resolution approach requires more than a simple, functioning democracy, as indicated by the quote at the beginning of this conclusion. Burton and others have pointed to the failures of some of the most well-established democracies to meet basic human needs. In this regard, he has shown the failings of Britain and the United States, in the alienation of large segments of those societies. Burton (1997 a) thus writes of “80% solutions” that marginalize and alienate the remaining 20% of society.

The analytical conflict resolution school identifies two elements to their model of conflict intervention. The first element is the earlier concern that they have, with getting parties to the table. This element is termed “conflict resolution”, and takes the form of discreet interventions with conflict parties, with the intention of enabling “track one” processes to take off. Their second element, and the one that emerges later in the development of the approach, concerns ongoing problem-solving activity in society, to augment “normal” politics. Normal politics is seen to be based on power relationships and deterrence, a system that no longer works effectively, and cannot prevent high levels of what Burton calls ‘deviant’ behaviour (1979); the drive to satisfy basic human needs through violent and other socially unacceptable ways.

The South African conflict management process was quite successful in getting the parties to the table. Based fairly closely on Burton’s problem-solving approach, a number of problem-solving workshops were held at “track two”, and eventually at “track one-and-a-half” levels, that led quite directly to full first track

'pacting', and eventually to the negotiations themselves. This activity, in conjunction with the rapid alignment of a favourable negotiating context; a moment of 'ripeness'; allowed sensible leadership on both sides the South African divide to grasp the moment and accomplish a successful negotiated settlement of the conflict. South Africa satisfies the requirements of conflict resolution, at least in so far as the first element of conflict resolution is concerned.

At the second level; the level beyond negotiation; the achievement of second order learning, or the prevention of conflict, we draw very different conclusions. The South African leadership has not managed to institutionalize a human needs-based, problem-solving conflict management ethic in the "Rainbow Nation". This higher level was never achieved. Encouraging beginnings, in the establishment of community policing policies and structures, the establishment of the NPA, active development forums and the like, were never followed through. Politics became "business as usual", and the moral core which the TRC attempted to establish was allowed to collapse, partially through a lack of concerted conflict management 'focus' and the non-prioritization of conflict resolution in the country, and partly as a result of the unwillingness of the government to invest in it. Of most concern from the acrs perspective is that all signs reviewed in Chapter nine above indicate a lack of concern for a continuing focus on the satisfaction of basic human needs in the country.

The institutionalization of conflict resolution, or conflict prevention as John Burton has termed it, implies ongoing conflict management, in the form of continual human needs fulfillment, thus going beyond the requirements of liberal democracy.

Some of the primordial issues in South Africa, such as the high levels of violence in society; and different, and conflicting "webs of meaning", cannot be dealt with in second track episodic interventions. They also cannot be effectively addressed through standard liberal democratic structures and processes (Burton



1979, 1984, 1997a). History shows that these structures alone will not prevail against the manifestation of the pre-modern, the patrimonial systems, and the communal competition, that bedevils politics and hampers development in countries experiencing deep-rooted social conflict. In the words of Burton (1997 a: 67) "The reality is that modern democracies are failing in the areas of economic justice. Widespread conflict, violence and crime are realities."

It is here that the ACR approach does offer solutions, and based on their reasoning, we offer the following advice to South Africa's decision-makers;

The only way to deal with these challenges, according to the ACR school is to follow the route of conflict prevention – in all spheres of social activity – to continually work to adjust institutions to accommodate basic human needs, and not to attempt to force individuals to conform with the requirements of institutions. In our Chapter seven above we have demonstrated how the National Peace Accord provided space for conflict management activities, including problem-solving and relationship building, in many different places and at many different levels. The NPA also provided a context for relationship-building across the divides of race, class and ideology. This is the closest that South Africa has come to a true "prevention" of deep-rooted social conflict. The following policy recommendations stem from the ACRS critique:

### **10.3 Policy recommendations:**

This study strongly recommends that, in general, a definite focus be placed upon the concept of basic human needs and their satisfaction in South Africa. This will provide a non-ideological, or neutral focus for policy instruments through which to address some of the ills of the current South African situation. Specifically:

- We recommend that a stronger emphasis be placed on reconciliatory rhetoric on the part of political leadership. Leadership often comes across

as excessively partisan (See Chapter nine references to intolerance, and re-racialization), and is not explicitly reconciliatory.

- A re-examination of an economic policy, that goes further to satisfy human needs than current neo-liberal policy, without undermining the productive basis of the market economy in South Africa is necessary. Not only should neo-liberalism be reconsidered, but also, the notion that economic policy is always a stark choice between the tyranny of the socialist approaches, and the freedom of the market should be rejected in favour of an approach that explicitly takes as its point of departure, the maximization of basic human needs.
- An urgent addressing of the issue of reparations for those who bore the brunt of apartheid era abuses must take place. Such reparation should be financial and material where appropriate, but must also take forward the notion that reparation can additionally be symbolic. In this spirit, simple triumphalism should also be avoided, in favour of an approach that addresses the identity and belongingness needs of all South Africans. Monuments to democracy and peace would be more appropriate than to political heroes of any flavour.
- A greater emphasis should be placed on conflict resolution in the country as a whole; but particularly in the educational system, where conflict management and resolution skills must be given a prominent position in life-skills training, and where a conflict resolution approach is taken to the teaching of history, for instance.
- There must be a continual affirmation and celebration of South Africa's own accomplishments in conflict resolution, with a due appreciation for their brittleness, and an affirmation of the need to preserve them by continued vigilance.
- The overwhelming need for the building of conflict analysis and handling skills in local government must be met by extensive skills training programmes. This should address the tendency for tensions in the area of

state delivery to be contained, and ultimately resolved, within a constructive, basic human needs framework.

- The establishment, with government funding and support, of centres for the study and peaceful resolution of conflict, peace studies and related issues; One thinks of the United States Institute for Peace, or the UN Peace University campuses in various countries.
- Academic programmes and courses on conflict and its resolution, alternatives to violence, and non-violent communications should be offered at South African universities; far more extensively than is currently the case.
- Finally, and perhaps most importantly, conflict management should be built into society through the establishment of a network of peace centres, or dispute resolution centres, staffed by volunteers, but with professional support. Such a conflict management system would more than cover its costs, by facilitating efficient and durable decision-making processes, and avoiding many of the deadlocks that currently delay the delivery of government services to communities throughout the country. The architecture of the South African National Peace Accord might provide a model for such a conflict management system.

Perhaps, when all is said and done, we need to accept that there are limits to the management of social conflict. To finally resolve conflict would be impossible, futile and of questionable value. To institutionalize conflict management to the extreme, would be to stifle development. It would be to limit change, and sustain conditions of inequality, oppression, and so forth. It is a truism of most social theory that conflict never truly ends. Perhaps that is after all the greatest weakness of the notion of conflict resolution. Conflict can be managed, but certain tensions will always remain, that will continue to give life to the social processes in the new South Africa. In this light, there are those who have made the point, that it is perhaps the very high levels of violence that stimulated the

negotiation process in South Africa, as they provided the abyss from which parties were forced to retreat; to return ultimately to negotiations.

Most theorists of conflict support the notion of destructive, versus constructive conflict, and urge that it is only in the case of the former that specialized intervention needs implementation. Of course, one person's constructive conflict may well be another's destructive conflict, and few theorists provide a method by which the difference between the two might be distinguished. The current travail of South Africa's social tensions might simply represent the necessary working out of contradictions and inequalities, and consequently be best left unmediated. Ultimately, however, the South African people will satisfy their basic human needs; either deviantly, or legitimately, through the express actions of our decision-makers. Whichever route is chosen, is ultimately a decision that our political leaders will have to take, for better or for worse.

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## **NATIONAL PEACE ACCORD**

**To signify our common purpose to bring an end to political violence  
in our country and to set out the codes of conduct, procedures and  
mechanisms to achieve this goal**

WE, participants in the political process in South Africa, representing the political parties and organisations and governments indicated beneath our signatures, condemn the scourge of political violence which has afflicted our country and all such practices as have contributed to such violence in the past, and commit ourselves and the parties, organisations and governments we represent to this National Peace Accord.

The current prevalence of political violence in the country has already caused untold hardship, disruption and loss of life and property in our country. It now jeopardizes the very process of peaceful political transformation and threatens to leave a legacy of insurmountable division and deep bitterness in our country. Many, probably millions, of citizens live in continuous fear as a result of the climate of violence. This dehumanising factor must be eliminated from our society.

In order to achieve some measure of stability and to consolidate the peace process, a priority shall be the introduction of reconstruction actions aimed at addressing the worst effects of political violence at a local level. This would achieve a measure of stability based on common effort thereby facilitating a base for broader socio-economic development.

Reconstruction and developmental actions of the communities as referred to above, shall be conducted within the wider context of socio-economic development.

In order to effectively eradicate intimidation and violence, mechanisms need to be created which shall on the one hand deal with the investigation of incidents and the causes of violence and intimidation and on the other hand actively combat the occurrence of violence and intimidation.

The police force, which by definition shall include the police forces of all self-governing territories, has a central role to play in terminating the violence and in preventing the future perpetration of such violence. However, the perception of the past role of the police has engendered suspicion and distrust between the police and many of the affected communities. In recognition of the need to promote more effective policing, a commitment to sound policing practices and a co-operative relationship between the police and the communities are necessary.

This Accord is intended to promote peace and prosperity in violence-stricken communities. The right of all people to live in peace and harmony will be promoted by the implementation of this Accord.

The Accord is of such a nature that every peace-loving person can support it. The Accord reflects the values of all key players in the arena of negotiation and reconciliation.

The implementation and monitoring of the Peace Accord represents a crucial phase in the process to restore peace and prosperity to all the people of South Africa.

14 September 1991

Noting that the majority of South Africans are God-fearing citizens, we ask for His blessing, care and protection upon our Nation to fulfil the trust placed upon us to ensure freedom and security for all.

Bearing in mind the values which we hold, be these religious or humanitarian, we pledge ourselves with integrity of purpose to make this land a prosperous one where we can all live, work and play together in peace and harmony.

The signatories have agreed upon:

- \* a Code of Conduct for political parties and organisations to be followed by all the political parties and organisations that are signatories to this Accord;
- \* a Code of Conduct to be adhered to by every police official to the best of his or her ability, as well as a detailed agreement on the security forces;
- \* the guidelines for the reconstruction and development of the communities;
- \* the establishment of mechanisms to implement the provisions of this Accord.

The signatories acknowledge that the provisions of this Peace Accord are subject to existing laws, rules and procedures and budgetary constraints. New structures should not be created where appropriate existing structures can be used.

This Accord will not be construed so as to detract from the validity of bilateral agreements between any of the signatories.

**WE THE SIGNATORIES ACCORDINGLY SOLEMNLY BIND Ourselves TO THIS ACCORD AND SHALL ENSURE AS FAR AS HUMANLY POSSIBLE THAT ALL OUR MEMBERS AND SUPPORTERS WILL COMPLY WITH THE PROVISIONS OF THIS ACCORD AND WILL RESPECT ITS UNDERLYING RIGHTS AND VALUES AND WE, THE GOVERNMENT SIGNATORIES, UNDERTAKE TO PURSUE THE OBJECTIVES OF THIS ACCORD AND SEEK TO GIVE EFFECT TO ITS PROVISIONS BY WAY OF THE LEGISLATIVE EXECUTIVE AND BUDGETING PROCEDURES TO WHICH WE HAVE ACCESS.**

## **CHAPTER 1 PRINCIPLES**

- 1.1 The establishment of a multi-party democracy in South Africa is our common goal. Democracy is impossible in a climate of violence, intimidation and fear. In order to ensure democratic political activity all political participants must recognise and uphold certain fundamental rights described below and the corresponding responsibilities underlying those rights.
- 1.2 These fundamental rights include the right of every individual to:
- \* freedom of conscience and belief;
  - \* freedom of speech and expression;
  - \* freedom of association with others;
  - \* peaceful assembly;
  - \* freedom of movement;
  - \* participate freely in peaceful political activity.
- 1.3 The fundamental rights and responsibilities derive from established democratic principles namely:
- \* democratic sovereignty derives from the people, whose right it is to elect their government and hold it accountable at the polls for its conduct of their affairs;
  - \* the citizens must therefore be informed and aware that political parties and the media must be free to impart information and opinion;
  - \* there should be an active civil society with different interest groups freely participating therein;
  - \* political parties and organisations, as well as political leaders and other citizens, have an obligation to refrain from incitement to violence and hatred.
- 1.4 The process of reconstruction and socio-economic development aimed at addressing the causes of violent conflict, must be conducted in a non-partisan manner, that is, without being controlled by any political organisation or being to the advantage of any political group at the expense of another.
- 1.5 Reconstruction and developmental projects must actively involve the affected communities. Through a process of inclusive negotiations involving recipients, experts and donors, the community must be able to conceive, implement and take responsibility for projects in a co-ordinated way as close to the grassroots as possible. In addition, reconstruction and development must facilitate the development of the economic and human resources of the communities concerned.
- 1.6 The initiatives referred to in 1.4 and 1.5 above, should in no way abrogate the right and duty of governments to continue their normal developmental activity, except that in doing so they should be sensitive to the spirit and contents of any agreement that may be reached in terms of 1.5 above.

- 1.7 The parties to this process commit themselves to facilitating the rapid removal of political, legislative and administrative obstacles to development and economic growth.
- 1.8 The implementation of a system to combat violence and intimidation will only succeed if the parties involved have a sincere commitment to reach this objective. Only then will all the people of South Africa be able to fulfil their potential and create a better future.
- 1.9 It is clear that violence and intimidation declines when it is investigated and when the background and reasons for it is exposed and given media attention. There is, therefore, need for an effective instrument to do just that. It is agreed that the Commission established by the Prevention of Public Violence and Intimidation Act, 1991, be used as an instrument to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation.
- 1.10 Since insufficient instruments exist to actively prevent violence and intimidation at regional and local levels, it is agreed that committees be appointed at regional and local levels to assist in this regard. Peace bodies are therefore to be established at both regional and local levels to be styled "Regional Dispute Resolution Committees" (RDRC) and "Local Dispute Resolution Committees" (LDRC) respectively. These bodies will be guided and co-ordinated at a national level by a National Peace Secretariat. At the local level the bodies will be assisted by Justices of the Peace.
- 1.11 The Preparatory Committee has played a crucial role in the process of bringing the major actors together to negotiate a Peace Accord. There is still much to be done implement the Accord and establish the institutions of peace. To assist in this regard, a National Peace Committee shall be established.
- 1.12 There should be simple and expeditious procedures for the resolution of disputes regarding transgressions of the Code for Political Parties and Organisations by political parties and organisations who are signatories to the National Peace Accord. These disputes should wherever possible, be settled at grassroots level, through participation of the parties themselves; and by using the proven methods of mediation, arbitration and adjudication.
- 1.13 An effective and credible criminal judicial system requires the swift and just dispensation of justice. This in turn will promote the restoration of peace and prosperity to communities, freeing them of the ravages of violence and intimidation. Special attention should be given to unrest related cases by setting up Special Criminal Courts specifically for this purpose.

## **CHAPTER 2 CODE OF CONDUCT FOR POLITICAL PARTIES AND ORGANISATIONS**

The signatories to this Accord agree to the following Code of Conduct:

- 2.1 We recognise the essential role played by political parties and organisations as mediators in a democratic political process, permitting the expression, aggregation and reconciliation of different views and interests, and facilitating the translation of the outcome of this process into law and public policy, and respect the activities of political parties and organisations in organising their respective structures, canvassing for support, arranging and conducting public meetings, and encouraging voting.
- 2.2.1 All political parties and organisations shall actively contribute to the creation of a climate of democratic tolerance by:
- \* publicly and repeatedly condemning. political violence and encouraging among their followers an understanding of the importance of democratic pluralism and a culture of political tolerance; and
  - \* acting positively, also vis-à-vis all public authorities including local and traditional authorities, to support the right of all political parties and organisations to have reasonable freedom of access to their members, supporters and other persons in rural and urban areas, whether they be housed on public or private property.
- 2.3 No political party or organisation or any official or representative of any such party, shall:
- \* kill, injure, apply violence to, intimidate or threaten any other person in connection with that person's political beliefs, words, writings or actions;
  - \* remove, disfigure, destroy, plagiarise or otherwise misrepresent any symbol or other material of any other political party or organisation;
  - \* interfere with, obstruct or threaten any other person or group travelling to or from or intending to attend, any gathering for political purposes;
  - \* seek to compel, by force or threat of force, any person to join any party or organisation, attend any meeting, make any contribution, resign from any post or office, boycott any occasion or commercial activity or withhold his or her labour or fail to perform a lawful obligation; or
  - \* obstruct or interfere with any official or representative of any other political party or organisation's message to contact or address any group of people.
- 2.4 All political parties and organisations shall respect and give effect to the obligation to refrain from incitement to violence or hatred. In pursuit hereof no language calculated or likely to incite violence or hatred, including that directed against any political party or personality, nor any wilfully false allegation, shall be used at any political meeting, nor shall pamphlets, posters or other written material containing such language be prepared or circulated, either in the name of any party, or anonymously.

2.5 All political parties and organisations shall:

- \* ensure that the appropriate authorities are properly informed of the date, place, duration and, where applicable, routing of each public meeting, rally, march or other event organised by the party or organisation;
- \* take into account local sentiment and foreseeable consequences, as well as any other meetings already arranged on the same date in close proximity to the planned event, provided that this shall not detract from the right of any political party or organisation freely to propagate its political views; and
- \* immediately and at all times, establish and keep current effective lines of communication between one another at national, regional and local levels, by ensuring a reciprocal exchange of the correct names, addresses and contact numbers of key leaders at each level, and by appointing liaison personnel in each location to deal with any problems which may arise.

2.6 All political parties and organisations shall provide full assistance and co-operation to the police in the investigation of violence and the apprehension of individuals involved. The signatories to this Accord specifically undertake not to protect or harbour their members and supporters to prevent them from being subjected to the processes of justice.

### **CHAPTER 3**

#### **SECURITY FORCES: GENERAL PROVISIONS**

##### **3.1 GENERAL PRINCIPLES**

- 3.1.1 The police shall endeavour to protect the people of South Africa from all criminal acts and shall do so in a rigorously non-partisan fashion, regardless of the political belief and affiliation, race, religion, gender or ethnic origin of the perpetrators or victims of such acts.
- 3.1.2 The police shall endeavour to prevent crimes and shall attempt to arrest and investigate all those reasonably suspected of committing crimes and shall take the necessary steps to facilitate the judicial process.
- 3.1.3 The police shall be guided by a belief that they are accountable to society in rendering their policing services and shall therefore conduct themselves so as to secure and retain the respect and approval of the public. Through such accountability and friendly, effective and prompt service, the police shall endeavour to obtain the co-operation of the public whose partnership in the task of crime control and prevention is essential.
- 3.1.4 The police, as law enforcement officers, shall expect a higher standard of conduct from its members in the execution of their duties than they expect from others and in pursuance hereof, supports prompt and efficient investigation and prosecution of its own members alleged to have acted unlawfully and shall commit itself to continue the proper training and retraining of its members in line with the objectives of professional policing and the principles set out in Chapters 3 and 4 of this Accord. The police in particular shall emphasise that there is no place in the police force for policing practices based on personal or racial prejudice, corruption, excessive force or any unlawful actions.
- 3.1.5 The police shall exercise restraint in the pursuance of their duties and shall use the minimum force that is appropriate in the circumstances.
- 3.1.6 Parties, organisations and individuals acknowledge that they too have a contribution to make in the process of sustaining, developing and encouraging a police force of which all South Africans can be proud. This involves a respect for the professionalism of the police force, and assisting the police in the performance of their legitimate duties.

##### **3.2 THE POLICE SHALL OBSERVE THE FOLLOWING MORE DETAILED SET OF REQUIREMENTS:**

- 3.2.1 The police shall endeavour to protect the people of South Africa from all criminal acts and acts of political violence, and shall do so in a rigorously nonpartisan fashion, regardless of the political belief and affiliation, religion, gender, race, or ethnic origin of the perpetrators or victims of such acts.
  - 3.2.1.1 The police must always respond promptly to calls for assistance and intervention.
  - 3.2.1.2 Where prior notification is given of possible violence, the police must take all reasonable steps to prevent such an outbreak of violence.
  - 3.2.1.3 The police shall endeavour to disarm those persons illegally bearing dangerous weapons in any gathering or procession.



**3.2.2 The police shall endeavour to prevent crimes and shall attempt to arrest and investigate all those reasonably suspected of committing crimes and shall take the necessary steps to facilitate the judicial process.**

- 3.2.2.1 Where violent clashes occur the police shall attempt to arrest all those reasonably suspected of participating in any unlawful act. If the police are unable for any reason to arrest all suspects, efforts must be made to photograph, video or otherwise identify the suspects.
- 3.2.2.2 After a suspect has been arrested, the police shall conduct a full, proper and expeditious investigation into the complaint, shall endeavour to submit the necessary evidence to the Attorney-General as soon as possible and shall give all the necessary co-operation in this regard.
- 3.2.2.3 In addition to rights arrested persons have in terms of the law, suspects arrested solely for crimes related to political violence should be informed of their rights and given the opportunity to telephone their family or a lawyer. Judges Rules shall consistently be applied by all police officials.
- 3.2.2.4 All criminal complaints shall be accepted at a charge office. After the complaint is accepted, the complainant shall be given a form containing the complaint number and the nature of the charge. The name and the telephone number of the investigating officer shall be made available or dispatched within seven days to the complainant.
- 3.2.2.5 The complainant shall, upon request, be entitled to any relevant information from the investigating officer on the progress and outcome of the investigation.
- 3.2.2.6 In order to investigate all crimes relating to "political violence", which includes public violence as defined in the Prevention of Public Violence and Intimidation Act, 1991, the police shall establish a special police investigation unit on the following basis:
- A police investigation unit shall be established under the command of a police general (or senior police officer in the case of self-governing territories).
- (ii) This police general shall monitor, co-ordinate and supervise investigations into crimes of political violence.
  - (iii) A senior police officer shall be appointed in the region of each special criminal court and shall carry out his duties and functions under the command of the said police general.
  - (iv) It will be the responsibility of each such officer as assisted by such officials as are seconded to him or appointed on an *ad hoc* basis to assist him, to conduct or supervise investigations into crimes of political violence, in the region of that special criminal court.
  - (v) When necessary each such officer shall liaise with the prosecutor of the special court in regard to the conduct of investigations into crimes of political violence.
  - (vi) Each such officer may personally investigate such crimes and/or supervise investigations performed by ordinary units of the police.
  - (vii) The police general who commands the special investigation unit as well as each such officer shall, where possible, have sufficient personnel and

resources at his disposal to enable him to effectively carry out his powers and functions.

- (viii) Each such officer shall be responsible for compiling a monthly report on the progress of investigations and for referring it to the police general who commands the special investigation unit. The Standing Commission and/or the National Peace Committee may inquire on the progress of the investigations and the police general shall submit a report.
- (ix) In all cases where an affidavit containing evidence is submitted to the National Peace Committee or Regional Dispute Resolution Committee to the effect that the local police in any station and/or district have acted with bias towards a political party or organisation in that district, the investigation into any incident of alleged political violence shall, on basis of the affidavit, be conducted by the special investigation unit with jurisdiction in that region or under the supervision of an officer from such unit.
- (x) The National Peace Committee shall be informed of the appointment of the police general and the senior officers.
- (xi) The Commissioner of Police shall have regard to recommendations of the National Peace Committee.

3.2.3 The police shall be guided by a belief that they are accountable to society in rendering their policing services and shall therefore conduct themselves so as to secure and retain the respect and approval of the public.  
Accountability in this paragraph and also referred to in clause 3.1.3 above, as well as in the Police Code of conduct, entails the following:

3.2.3.1 In order to facilitate better communication with the community, the police shall, in each locality where a Local Dispute Resolution Committee exists:

- (i) consult regularly with:
  - (a) the Local Dispute Resolution Committee, or in its absence, community leaders, including representatives of signatories to this accord, and
  - (b) community leaders,on the efficient functioning of the police in that community and shall regularly communicate with such committee, representatives or leaders on the issues raised by them with the police.
- (ii) establish a liaison officer of rank not lower than a warrant officer, in each police district, to which requests for urgent assistance may be directed. The police shall notify the LDRC of the identity of liaison officers.

3.2.3.2 In addition to the normal channels available within the Department of Law and Order, complaints against the police may also be referred to the Police Reporting Officer or, depending on the nature of such complaints, to the Standing Commission on Violence and Intimidation.

3.2.3.3 If the police feel that they are unfairly victimised or harassed by any person or body or organisation they will have the right to raise a complaint to the National Peace Committee or any other appropriate body.

**3.2.4 The police shall expect a higher standard of conduct from themselves than they expect from others**

3.2.4.1 Complaints of alleged police misconduct which is of such a serious nature that it may detrimentally affect police/community relations should be referred to the Police Reporting Officer or the Commissioner of Police, for investigation by a unit of the police specifically established for this purpose, under the supervision of a designated general of the police. Where the complaint is directed to the Police Reporting Officer it should be referred by him to the Commissioner of Police for investigation by such a unit. The units will be available as far as possible in each police region.

3.2.4.2 The unit shall submit to the Police Reporting Officer, a report on the complaints submitted to it, as well as the progress and outcome of investigations into complaints. The Police Reporting Officer will have the authority to ensure that the investigation is a full and proper investigation and accordingly will be entitled to refer the report back to the unit. The Police Reporting Officer shall be appointed in the following manner:

- (i) The Association of Law Societies and General Council of the Bar shall recommend to the Minister of Law and Order three candidates per region for the appointment of a Regional Police Reporting Officer. If the Minister is not prepared to make an appointment from the names so received, he may refer the recommendation back to the Association of Law Societies and the General Council of the Bar for additional three names from which he has to make an appointment.
- (ii) Such Police Reporting Officer may be a former prosecutor, a former member of the attorney general's staff, a lawyer in private practice, a former magistrate, or a former policeman.

3.2.4.3 The Police Reporting Officer may recommend to the Commissioner of Police the suspension or transfer of the police official under investigation until the completion of the investigation.

3.2.4.4 The Police Reporting Officer shall, on the completion of the investigation, make a recommendation to the Commissioner of Police as to the disciplinary action that should be taken against the police involved in the misconduct. The complainant shall be notified of the recommendations and the outcome of this complaint. The Police Reporting Officer may, with the consent of the complainant, provide the National Peace Committee with the recommendations and outcome of the investigation.

3.2.4.5 All police officials in uniform should carry a legible external form of identification.

3.2.4.6 All official police vehicles shall have an identification number painted on the side, and all military vehicles acting in support of the police shall display an identification number on the side and no such number may be removed for as long as such military vehicles are used in support of the police, provided that this shall not apply to police vehicles which are required for official undercover work, not in breach of clause 3.5 related to clandestine or covert operations. It shall be an offence for a police or military vehicle to be driven on a public road without number plates or without the number plates allocated to such vehicle by the relevant registration authority.

3.2.5 The police shall exercise restraint in the pursuance of their duties and shall use the minimum force that is appropriate in the circumstances.

3.2.5.1 Clear guidelines shall be issued by the police for dealing with unlawful gatherings and the following aspects shall clearly be addressed in such guidelines.

- (i) When a confrontation between a police unit and a gathering is reasonably foreseeable, a senior police official shall where possible be in command of that unit.
- (ii) The police unit performing crowd control duties shall, where possible, be equipped with public address systems and someone who can address the crowd in a language the crowd will understand.
- (iii) Before ordering a gathering to disperse, an attempt must be made to ascertain the purpose of the gathering and to negotiate the immediate dispersal of the group.
- (iv) Where residents of a community or a hostel are clearly the subject of an attack, the police shall endeavour to disarm and disperse the aggressors.
- (v) A reasonable time must be given to the gathering to comply with the requests or instructions of the commanding officer.
- (vi) The commanding officer shall only authorise the use of injurious or forceful methods of crowd dispersal if he believes that the crowd constitutes a danger to the public safety or to the safety of any individual or to any valuable movable or immovable property and if he has reason to believe that less injurious methods will not succeed in dispersing the gathering. The least possible degree of force should be used in attaining the aim of policing. Unless circumstances prevent it, persuasion, advice and warnings should be used to secure co-operation, compliance with the law and the restoration of order.
- (vii) The police should focus on making less injurious equipment also available to police stations in order to minimize the risk of forceful actions.

### 3.3 POLICE BOARD

3.3.1 A Police Board shall be established whose composition shall comprise of both members of the public and representatives of the police in equal numbers. The chairperson is to be appointed by the Minister of Law and Order from one of the members representing the public.

3.3.2 The members of the public shall be appointed by the Minister of Law and Order to the Police Board from names put forward by unanimous decision by the National Peace Committee. The Minister of Law and Order shall have the discretion to appoint further members from parties who are not represented on the National Peace Committee.

3.3.3 The function of the Police Board shall be to consider and to make recommendations to the Minister of Law and Order in regard to the policy relating to the training and efficient functioning of the police, with a view to reconcile the interests of the community with that of the police.

3.3.4 The Police Board shall be empowered to do research and call for representations from the public regarding any investigation conducted by it.

3.3.5 The Police Board shall not have a role in regard to the day to day functioning of the police.

3.3.6 The recommendations of the Police Board in regard to the above matters shall be made public, insofar as it is essential in reconciling the interests of the community with that of the police.

#### 3.4. COMPOSITION OF THE POLICE FORCE

3.4.1 The relationship between, and the status of, the South African Police and the Police Forces in the Self-governing Territories in the transitional phase, can only be decided by the interested parties through negotiations.

3.4.2 Where the Police Forces of any self-governing territory is alleged to be a party to the conflict, the Standing Commission shall investigate this and make appropriate recommendations.

#### 3.5. CLANDESTINE OR COVERT OPERATIONS

3.5.1 No public funds shall be used to promote the interests of any political party or political organisation and no political party or political organisation shall accept any public funds to promote its interests which shall have the effect of interfering negatively in the political process.

3.5.2 The government shall not allow any operation by the security forces with the intention to undermine, promote or influence any political party or political organisation at the expense of another by means of any acts, or by means of disinformation.

3.5.3 If any of the signatories to this accord has reason to believe that any operation is being conducted in breach of this clause, it may lodge a complaint with the Police Reporting Officer or the Commission as the case may be.

3.5.4 In addition to any civil/criminal liability he/she may incur, any individual member of the police who is found to have breached this clause shall be dealt with in accordance with the Police Act, Regulations and Standing Orders.

3.5.5 In addition to any civil/criminal liability he/she may incur, any individual member of the defence force who is found to have breached this clause shall be dealt with in accordance with the defence statutes and codes and the Code of Conduct for the members of the defence force.

3.5.6 In order to monitor ongoing compliance with this provision the Commission, or a person authorised by it, shall upon receipt of any request by a party, or a complaint or on information received by it, be entitled by warrant to enter and inspect any place and interrogate any security force member, and seize any record or piece of evidence.

#### 3.6. DANGEROUS WEAPONS

3.6.1 The parties agree that the disastrous consequences of widespread violence and the urgent requirement of peace and stability on which to build the common future make it necessary to act decisively to eliminate violence or the threat of violence from a political sphere.

- 3.6.3 In pursuit of this understanding the parties agree that no weapons or fire-arms may be possessed, carried or displayed by members of the general public attending any political gathering, procession or meeting.
- 3.6.3 All political parties and organisations shall actively discourage and seek to prevent their members and supporters from possessing, carrying or displaying weapons or fire-arms when attending any political gathering, procession or meeting.
- 3.6.4 The Government undertakes to issue the necessary proclamations to implement the principles of paragraph 3.6.2 after consultation with the interested parties.
- 3.7 SELF PROTECTION UNITS (previously called self-defence units)
  - 3.7.1 The Law accords all individuals the right to protect themselves and their property, and to establish voluntary associations or self protection units in any neighbourhood to prevent crime and to prevent any invasion of the lawful rights of such communities. This shall include the right to bear licensed arms and to use them in legitimate and lawful self-defence.
  - 3.7.2 The parties also agree that no party or political organisation shall establish such units on the basis of party or political affiliation, such units being considered private armies.
  - 3.7.3 No private armies shall be allowed or formed.
  - 3.7.4 The parties also recognise that a liaison structure should operate between any community based self protection unit and the police so as to facilitate education on citizens' rights, police responsiveness and other aspects in respect of which there is a legitimate and common interest.
  - 3.7.5 The police remains responsible for the maintenance of law and order and shall not be hindered in executing their task by any self protection unit.
  - 3.7.6 All existing structures called self-defence units shall be transformed into self protection units which shall function in accordance with the principles contained in paragraph 3.7.
- 3.8 GENERAL
  - 3.8.1 This Accord shall, where applicable, be issued as a directive by the Commissioner of Police and if necessary, the Police Act and regulations will be amended accordingly.
  - 3.8.2 In view of the changing policing demands of a changing South Africa the police shall continue to take steps to retrain their members on the proper functions of the police as set out in the Code and in this agreement and in particular in methods of defusing conflict through discussion.
  - 3.8.3 This Accord shall, where applicable, be honoured by and shall in terms of paragraph 3.8.1 be binding on the police.
  - 3.8.4 This Accord shall, where applicable, be binding on the defence force in as much as it performs any ordinary policing function.
  - 3.8.5 Where a government of a self-governing territory becomes a signatory to this Accord, the provisions of this Accord will, mutatis mutandis, be applicable to such a government as well as the police force of such a government.

- 3.8.6 A government of a self-governing territory which is a signatory to this Accord may opt to accept the jurisdiction of the Police Board or Police Reporting Officer established in respect of the South African Police Force.

3.9 **CODE OF CONDUCT FOR MEMBERS OF THE DEFENCE FORCE**

A Code is in the process of being negotiated under the auspices of the National Peace Committee.

**CHAPTER 4**  
**SECURITY FORCES: POLICE CODE OF CONDUCT**

**MISSION OF THE SOUTH AFRICAN POLICE**

**"We undertake, impartially and with respect for the norms of the law and society, to protect the interests of the country and everyone therein against any criminal violation, through efficient service rendered in an accountable manner."**

**CODE OF CONDUCT OF THE SOUTH AFRICAN POLICE**

All members of the South African Police shall commit themselves to abide by the Code of Conduct in the following terms:

As a member of the South African Police, I undertake to adhere to the following Code of Conduct to the best of my abilities:

As POLICE OFFICIAL I will observe the oath of loyalty which I made to the Republic of South Africa by performing the task that is required of me by law, with untiring zeal, single-mindedness and devotion to duty, realising that I accept the following principles:

- \* In order to preserve the fundamental and constitutional rights of each individual by the use of preventive measures, or alternatively, in the event of disruption, to restore social order by the use of reactive policing.
- \* The authority and powers accorded to the Police for the maintenance of social order, and the subsidiary objectives they adopt are dependent upon and subject to public approval, and the ability to secure and retain the respect of the public.
- \* The attainment and retention of public approval and respect include the co-operation of the public in the voluntary observance of the laws.
- \* Any offence or alleged offence by any member of the South African Police, of the common law or statutory law, including the Police Act and the regulations promulgated in accordance thereof, shall be thoroughly investigated and in the event of any violation thereof, appropriate measures shall be taken. Such an offence or alleged offence, depending on the nature thereof, may be referred to a Police Reporting Officer or the Commission established in terms of the Prevention of Violence and Intimidation Act, 1991, or to a commission that shall be specifically appointed for that purpose. All assistance and co-operation possible shall be rendered to a commission such as this, and the Police Reporting Officer and where investigations are undertaken by the Police at the request of the commission or the Police Reporting Officer, a special investigation team shall be used for this purpose.
- \* The extent and quality of public co-operation proportionally diminishes the need for corrective measures.



- \* The favour and approval of the public shall be sought by:
  - enforcing the law firmly, sensitively and with constant and absolute impartiality;
  - giving effective and friendly service to each individual, regardless of the political and religious belief, race, gender or ethnic origin;
  - reacting as quickly as possible on requests for help or service;
  - making personal sacrifices in order to save lives; and
  - encouraging police community relationships, and by promoting participation by the community.
- \* The least possible degree of force be used in attaining the aim of policing, and then only when persuasion, advice and warnings have failed to secure co-operation, compliance with the law and the restoration of order.
- \* Judges' Rules shall consistently be applied by all police officials.
- \* Police officials must adhere to the executive function of policing and refrain from taking it upon themselves to perform a judicial function.
- \* All police officials in uniform shall wear a clearly distinguishable mark of identification.
- \* The integrity of policing is reflected by the degree of personal moral responsibility and professional altruism evident in the behaviour and actions of every individual member of the police.
- \* The stability of society, and the vitality and continuity of democratic ideals are dependent upon policing that:
  - is consistently aware of the sensitive balance between individual freedom and collective security;
  - is consistently aware of the dangers inherent in illegal and informal coercive actions and methods; and
  - will never give in to the temptation to sacrifice principles by resorting to reprehensible means to secure good ends.
- \* The professionalisation of policing depends primarily upon intensive selection, training, planning and research.
- \* The needs of the community shall be considered in the training programme of the Police, and the contribution made by communities in this regard, shall be taken into account.
- \* Every member should strive and apply him/herself to individual and institutional professionalism by self-improvement and study.
- \* Any offence by any member of the police, committed in the presence of a fellow member of the police, shall be dealt with by such a fellow member in accordance with the powers and duties conferred upon him or her by any act relating to such an offence. In addition such a fellow member shall forthwith notify his or her commander.

In order to maintain these principles, I undertake to:

- \* make my personal life an example worthy to be followed by all;
- \* develop my own personality and also create the opportunity for others to do likewise;
- \* treat my subordinates as well as my seniors in a decent manner;
- \* fulfil my duty faithfully despite danger, insult or threat;
- \* develop self-control, remain honest in thought and deed, both on and off duty;
- \* be an example in obeying the law of the land and the precepts of the Force;
- \* prevent personal feelings, prejudice, antagonism or friendships from influencing my judgement;
- \* receive no unlawful reward or compensation; and
- \* remain worthy of the trust of the public, by unselfish service, seek satisfaction in being ready to serve and to dedicate myself in the service to my God and my country.

**"SERVAMUS ET SERVIMUS - WE PROTECT AND WE SERVE"**

## **CHAPTER 5**

### **MEASURES TO FACILITATE SOCIO-ECONOMIC RECONSTRUCTION AND DEVELOPMENT**

- 5.1 Reconstruction and development projects must actively involve the affected communities. Through a process of inclusive negotiations involving recipients, experts and donors, the community must be able to conceive, implement and take responsibility for projects in a co-ordinated way as close to the grassroots as possible. In addition reconstruction and development must facilitate the development of the economic and human resources of the communities concerned.
- 5.2 Projects at a local level require the co-operation of all members of the community irrespective of their political affiliation. The people within local communities must see local organisations working together on the ground with common purpose. Parties with constituency support in an area must commit themselves to facilitating such an approach to development projects.
- 5.3 Reconstruction projects must work on the ground at local level. This requires a combined effort by all political organisations and affected parties to raise the required level of capital and human resources for development. Public and private funds will have to be mobilised for this purpose.
- 5.4 Sustainable development implies that all individuals must be assisted and encouraged to accept responsibility for their socio-economic well-being. Each actor must define and accept his/her role and there must be an acceptance of coresponsibility for and co-determination of socio-economic development.
- 5.5 This development initiative should in no way abrogate the right and duty of governments to continue their normal development activity, except that in doing so they should be sensitive to the spirit and contents of any agreement that may be reached.
- 5.6 The parties to this process commit themselves to facilitating the rapid removal of political, legislative and administrative obstacles to development and economic growth.
- 5.7 The National Peace Committee and the Regional Dispute Resolution Committees will establish permanent sub-committees on socio-economic reconstruction and development.
- 5.8 Both the national and regional sub-committees defined above could establish advisory and consulting groups to facilitate their work.
- 5.9 The functions of these sub-committees would be to:
  - 5.9.1 assist the peace structures in regard to socio-economic reconstruction and development;
  - 5.9.2 take initiatives to implement the principles outlined above and to deal with the issues set out hereunder;
  - 5.9.3 the combined inputs of the sub-committees participants would be to facilitate, coordinate and expedite reconstruction and development in terms of the principles outlined above.

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- 5.10 The general guideline on issues to be dealt with is to move from immediate issues related to violence and the peace process toward pre-emption of violence and then toward integrating into the overall need for socio-economic development.
- 5.11 The sub-committees should identify areas at community level where they could begin to facilitate the co-ordination of the following issues:
- \* reconstruction of damaged property;
  - \* reintegration of displaced persons into the community;
  - \* expansion of infrastructure to assist in consolidating the peace process; and
  - \* community involvement in the maintenance and improvement of existing community facilities and the environment.
- 5.12 The sub-committees should facilitate crisis assistance that will link to socioeconomic development in the following areas:  
dealing with the immediate effects of violence and the resultant social effects, displaced persons problem and homelessness; and  
where infrastructure is itself a spark to violence, eg water, electricity transportation, schools etc.
- 5.13 In addressing the above issues attention will have to be paid to:
- \* the equitable allocation of state resources, including state-funded development agencies (physical and financial) for both public and community-based initiatives;
  - \* mobilisation of additional resources - both public and private;
  - \* the cumbersome nature of governmental structures in the provision of resources and services;
  - \* the position of the very poor and marginalised groups;
  - \* land, its accessibility and use;
  - \* basic housing;
  - \* provision of basic services; \* education;
  - \* health and welfare;
  - \* job creation and unemployment; and
  - \* the availability of land for housing and basic services.
- 5.14 The sub-committees should identify potential flash points and co-ordinate socioeconomic development that will defuse tension eg squatter settlements: squatter settlement-township interfaces; hostels: hostel-township interfaces, provision and maintenance of basic services and rural resource constraints. The sub-committees should identify areas of socio-economic development that would prevent violence.
- 5.15 The sub-committee would attempt to ensure that overall socio-economic development is cognizant of the need to reinforce the peace process and defuse the potential for violence.

**CHAPTER 6**  
**COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND**  
**INTIMIDATION ("the Commission")**

- 6.1 It is acknowledged that the police is primarily responsible for the investigation of crime. The police is, as a result, also responsible for the investigation and bringing to book of all perpetrators of violence and intimidation.
- 6.2 Post mortem inquests play an important role in exposing and opening presiding circumstances relating to unrest and violence. Inquests with judges as presiding officers have taken place more frequently since the implementation of the Inquests Amendment Act, 1990 (Act 45 of 1990). The Inquests Amendment Act, 1991 (Act 8 of 1991), has furthermore streamlined the process and inquests can be disposed of more rapidly. Records of all inquest proceedings relating to public violence should be submitted to the Commission.
- 6.3 It is clear that violence and intimidation declines when it is investigated and when the background and reasons for it is exposed and given media attention. There is therefore need for an effective instrument to do just that. It is agreed that the Commission established by the Prevention of Public Violence and Intimidation Act, 1991, be used as an instrument to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation. However, in order to improve the efficacy of the Act in preventing violence it may be necessary to amend the Act, to accommodate the provisions of this Chapter. Where amendments are necessary, the National Peace Committee shall send its proposals to the Minister of Justice as soon as possible.
- 6.4 In terms of the Prevention of Public Violence and Intimidation Act, 1991, the Commission shall function as follows:
- 6.5 The Commission shall function on a permanent basis.
- 6.6 The Commission's objectives shall be to:
- 6.6.1 inquire into the phenomenon of public violence and intimidation in the Republic, the nature and causes thereof and what persons are involved therein;
- 6.6.2 inquire into any steps that should be taken in order to prevent public violence and intimidation;
- 6.6.3 make recommendations to the State President regarding:
- 6.6.3.1 the general policy which ought to be followed in respect of the prevention of public violence and intimidation;
- 6.6.3.2 steps to prevent public violence or intimidation;
- 6.6.3.3 any other steps it may deem necessary or expedient, including proposals for the passing of legislation, to prevent a repetition or continuation of any act of omission relating to public violence or intimidation;
- 6.6.3.4 the generation of income by the State to prevent public violence and intimidation as well as the compensating of persons who were prejudiced and suffered patrimonial loss thereby;

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6.6.3.5 any other matter which may contribute to preventing public violence and intimidation.

6.7 It is agreed that the Commission shall be composed as follows:

6.7.1 A judge or retired judge of the Supreme Court or a senior advocate with at least 10 years experience in the enforcement of the law. This will ensure that the Commission has suitable, independent and objective leadership, fully versed in the law and fearlessly given to grant all parties an equal opportunity to state their views and give their facts. This person will be the chairman.

6.7.2 A senior advocate or a senior attorney or a senior professor of law. The incumbent will assist the chairman of the Commission, providing balance from a legal point of view. Because of his status this person will not be susceptible to influence from other parties. This person will be the vice-chairman.

6.7.3 Three other duly qualified persons.

6.8 The National Peace Committee shall submit a short list of persons to be considered for appointment.

6.9 It is acknowledged that it is desirable that the Commission should be and be seen to be independent and non-partisan.

6.10 Members of the Commission are appointed for a period of three years.

6.11 The Commission will be assisted by a secretariat to provide administrative and logistical services.

6.12 The Commission's functions will include the following:

6.12.1 to investigate the causes of violence and intimidation;

6.12.2 to recommend measures capable of containing the cycle of violence; 6.12.3 to recommend measures in order to prevent further violence;

6.12.4 to initiate research programmes for the establishment of scientific empirical data on violence; and

6.12.5 to make recommendations concerning the funding of the process of peace.

6.13 Any individual will be able to approach the Commission with a request to investigate any particular matter relevant to combating violence and intimidation. If any such individual is held in detention, the relevant authorities will facilitate the transmission of such a request to the Commission. If a request is unfounded, trivial or designed for purposes other than the prevention of violence and intimidation, the Commission may in its discretion decline to act upon the request. The Commission does not only act upon receiving a request from an individual, but may of its own accord investigate matters.

6.14 The investigation by or at the behest of the Commission shall not affect any legal processes.

6.15 Where a matter has already been dealt with as a result of legal processes, the Commission shall not re-investigate the matter but may take cognizance of the evidence presented during such processes and the findings emanating from such proceedings.

- 6.16 The Commission shall be empowered to enlist the help of other institutions in its investigations. Investigations by the Police Reporting Officer referred to in this Accord shall not be affected by the Commission.
- 6.17 Members of the Commission and its secretariat (insofar as they may not be employed by the State) shall be remunerated by the State. The State shall provide funds for the operation of the Commission.
- 6.18 The Commission shall be empowered in order to conduct an investigation and insofar as it may be relevant to:
- 6.18.1 require any person to give evidence on the matter being investigated;
- 6.18.2 require any person to put any document or other evidentiary material at the disposal of the Commission;
- 6.18.3 order that the identity of any person mentioned in 6.18.1 and 6.18.2 shall not be revealed if that person's life or property or his family may be endangered because of his assistance to the Commission;
- 6.18.4 order that the relevant authority provide appropriate protection to a person mentioned in 6.18.1 and 6.18.2 if his life is endangered because of his assistance to the Commission; and
- 6.18.5 order that the contents of any document or other evidentiary material shall not be revealed or published if circumstances so demand.
- 6.19 The proceedings of the Commission shall take place in public, unless the Commission decides that circumstances demand otherwise. This is designed to ensure that the safety of witnesses can be guaranteed.
- 6.20 The Commission shall determine if legal representation is desirable in any particular given case.
- 6.21 After completion of an investigation the Commission shall compile a report on its findings and recommendations. This report will be handed to the State President who may make known for public information the facts in question and the findings of the Commission which he deems necessary in the public interest. Without derogating from the State President's discretion, the State President is requested to make such reports available to inter alia the National Peace Committee.
- 6.22 Measures shall be enacted to provide for the expenses and mechanisms of the Commission.
- 6.23 In order to ensure that steps are taken against perpetrators of violence and intimidation, the Commission may refer any evidence constituting an offence to the relevant Attorney-General and to the Special Criminal Courts.
- 6.24 Anyone hampering or influencing the Commission or any of its members in the execution of their duties shall be guilty of an offence. This will ensure that the status of the Commission is established and that it does not fall prey to pressures.
- 6.25 The above-mentioned is reflected in the Prevention of Public Violence and Intimidation Act, 1991.
- 6.26 Fully aware of the fact that the composition of the proposed body will determine its relevancy and legitimacy, the Minister of Justice indicated during the Second Reading Debate of the Act that no appointments would be made without

consultation and negotiation with the relevant role players. Consensus will be the key word. The group agrees that for this system to be effective, it needs to be credible.

- 6.27 In terms of section 4 of the Act, committees may be established to assist the Commission in the exercise of its functions. The relevant players will therefore also be able to be represented on these committees by their own members and experts. These committees will enjoy the same far-reaching powers as the Commission itself. Regional committees of the Commission should be established in each of the regions identified by the Commission to monitor and inquire into public violence and intimidation. Local and regional security force commanders, and the LDRC and RDRC members, should advise the Commission or a Sub-committee of the Commission of any advance warning of anticipated or current public violence.
- 6.28 The parties agree that for the Commission to be effective it needs to be a credible instrument. It will furthermore only obtain credibility if it is to be constituted after the National Peace Committee has been consulted. If this condition is met, the establishment of the Commission should be given unconditional support.
- 6.29 In order to function properly within a legal framework, to exercise the considerable powers given and to obtain State funding, there is no alternative to making use of a statutory enactment, such as the Act. It is suggested that the Act be employed to fulfil this role, because it can be utilised immediately and does not require further statutory attention.



**CHAPTER 7**  
**NATIONAL PEACE SECRETARIAT, REGIONAL AND LOCAL DISPUTE RESOLUTION**  
**COMMITTEES**

- 7.1 It is clear from the foregoing that sufficient instruments exist to investigate violence and intimidation and to bring the perpetrators thereof to book. Insufficient instruments exist however to actively combat violence and intimidation at grassroots level. It is therefore proposed that committees be appointed at regional and local levels to assist in this regard. These committees will require national coordination.
- 7.2 In order to provide management skills, budgetary commitment and statutory empowerment and sanction, State involvement is essential.
- 7.3 **A National Peace Secretariat**
- 7.3.1 A National Peace Secretariat shall be established, comprising at least four persons nominated by the National Peace Committee and one representative of the Department of Justice. Further members, up to a maximum of four may also be appointed.
- 7.3.2 The function of the National Peace Secretariat will be to establish and co-ordinate Regional Dispute Resolution Committees and thereby Local Dispute Resolution Committees.
- 7.3.3 The National Peace Secretariat will take decisions on a consensus basis.
- 7.3.4 The required financial and administrative resources of the National Peace Secretariat, and the other bodies established by it, will be provided by the Department of Justice.
- 7.4 **Regional and Local Dispute Committees**
- 7.4.1 Peace bodies are to be established at both regional and local level, to be styled "Regional Dispute Resolution Committees" (RDRC) and "Local Dispute Resolution Committees" (LDRC) respectively.
- 7.4.2 Just as the Commission will gain its legitimacy from its composition, reflecting the interested and relevant organisations, the RDRC's and LDRC's will gain their legitimacy by representing the people and communities they are designed to serve.
- 7.4.3 The areas of jurisdiction of the RDRC's shall be decided by the National Peace Secretariat until such time as statutory provision is made.
- 7.4.4 RDRC's will be constituted as follows:
- 7.4.4.1 representatives from relevant political organisations;
  - 7.4.4.2 representatives from relevant churches;
  - 7.4.4.3 representatives of relevant trade unions, industry and business in the region;
  - 7.4.4.4 representatives of relevant local and tribal authorities; and

- 7.4.4.5 representatives from the police and the defence force.
- 7.4.5 Duties of RDRC's shall include the following:
  - 7.4.5.1 attending to any matter referred to it by the LDRC, the National Peace Secretariat or the Commission;
  - 7.4.5.2 advising the Commission on matters causing violence and intimidation in its region;
  - 7.4.5.3 settling disputes causing public violence or intimidation by negotiating with the parties concerned and recording the terms of such settlements;
  - 7.4.5.4 guiding LDRC's in their duties;
  - 7.4.5.5 monitoring current applicable peace accords and future peace agreements entered into in the relevant region and settling disputes arising from them;
  - 7.4.5.6 informing the National Peace Secretariat of steps taken to prevent violence and intimidation in its region including breaches of Peace Agreements; and
  - 7.4.5.7 consulting with relevant authorities in its region to combat or prevent violence and intimidation.
- 7.4.6 The communities within which LDRC's are to be established should be identified by the RDRC's.
- 7.4.7 LDRC's will be constituted by drawing representatives reflecting the needs of the relevant community.
- 7.4.8 Duties of the LDRC's shall include the following:
  - 7.4.8.1 attending to any matter referred to it by either the Commission or the RDRC's;
  - 7.4.8.2 creating trust and reconciliation between grassroots community leadership of relevant organisations, including the police and the defence force;
  - 7.4.8.3 co-operating with the local Justice of the Peace in combating and preventing violence and intimidation;
  - 7.3.8.4 settling disputes causing public violence or intimidation by negotiating with the parties concerned and recording the terms of such settlements;
  - 7.4.8.5 eliminating conditions which may harm peace accords or peaceful relations;
  - 7.4.8.6 reporting and making recommendations to the relevant RDRC's;
  - 7.4.8.7 to promote compliance with currently valid and future peace accords and agreements entered into in the relevant area;
  - 7.4.8.8 to agree upon rules and conditions relating to marches, rallies and gatherings; and
  - 7.4.8.9 liaise with local police and local magistrates on matters concerning the prevention of violence, the holding of rallies, marches and gatherings.

## **7.5 Justices of the Peace**

7.5.1 It is proposed that additional Justices of the Peace be appointed after consultation with the relevant parties and the LDRC's. The purpose of the Justices of the Peace will essentially be to promote the peace process at grassroots level and to assist the LDRC's in their activities.

7.5.2 Duties of Justices of the Peace shall include the following:

7.5.2.1 investigating any complaint received from anyone pertaining to public violence and intimidation, except where legal processes or investigations instituted by the South African Police, other police forces, the Commission, the RDRC's, the Police Reporting Officer or a commission of inquiry are dealing with the relevant matter;

7.5.2.2 mediating between relevant parties to a dispute by negotiation;

7.5.2.3 applying rules of natural justice when issuing an order which will be fair and just in the particular circumstances in order to restore peaceful relations;

7.5.2.4 referring facts constituting an offence to the relevant Attorney-General;

7.5.2.5 in co-operation with parties and in consultation with the LDRC's acting as the ears and eyes of LDRC's and reacting in urgent cases;

7.5.2.6 in all matters relating to public violence reporting to the LDRC; and

7.5.2.7 to pronounce as a judgment the terms of a settlement reached at LDRC's or RDRC's, provided that the terms of such settlement are executable.

## **7.6 RDRC's, LDRC's and Justices of the Peace shall be empowered to:**

7.6.1 request the presence of any person with knowledge of any acts of violence or intimidation to give evidence;

7.6.2 request that any person in possession of any relevant document or other evidentiary material put the same at their disposal; and

7.6.3 protect the identity and safety of anyone assisting the relevant body as contemplated in 7.6.1 and 7.6.2 by excluding the public and/or media from its proceedings or by limiting access to its documents or reports or by prohibiting the publication of the contents of any of its documents or reports.

7.7 The National Peace Secretariat shall assist RDRC's in the exercise of their duties.

7.8 RDRC's may limit the number of members of a LDRC taking into account the prevailing circumstances in the community.

7.9 RDRC's shall determine the boundaries of the area constituting the jurisdiction of LDRC's within their own areas of jurisdiction.

7.10 The National Peace Secretariat and the Commission will advise on the policy to be applied to and by the RDRC's and the LDRC's and the management of the said bodies.

- 7.11 Members of the RDRC's, LDRC's and Justices of the Peace not in the full-time employment of the State shall be entitled to remuneration and allowances to be paid by the State.
- 7.12 RDRC's and LDRC's shall appoint chairmen and vice-chairmen to represent the RDRC or LDRC concerned for a period of one year.
- 7.13 RDRC's and LDRC's shall furnish the National Peace Secretariat, the Commission or the relevant RDRC, as the case may be, with any information required by such bodies.
- 7.14 In view of the lack of effective peace promoting mechanisms at grassroots level it is urgent that these proposals be implemented as soon as possible. Because of the said urgency, it is agreed that the proposals be implemented on a voluntary basis at the outset. In order to give permanency and effectivity to the proposed structures it will have to be given statutory recognition as soon as possible. This should also ensure that the structures be funded by the State. In drafting the required legislation there should be wide consultation including with the National Peace Committee. The proposed legislation will also be published for general information and comment.
- 7.15 In order to ensure the proper functioning of the LDRC's, it is necessary to:
- 7.15.1 give them high status in their communities for their role in the peace process;
  - 7.15.2 compensate the members of LDRC's for out-of-pocket expenses for attending meetings; and
  - 7.15.3 train the members of the LDRC's in conciliating disputes, running meetings, negotiating skills, etc.

## **CHAPTER 8 NATIONAL PEACE COMMITTEE**

### **8.1 COMPOSITION**

- 8.1.1 Those political parties and organisations currently represented on the Preparatory Committee shall constitute the National Peace Committee together with representatives drawn from other signatory parties where the National Peace Committee believes such inclusion will give effect to the National Peace Accord.
- 8.1.2 The National Peace Committee shall appoint a chairperson and vice-chairperson, who shall be drawn from the religious and business communities.

### **8.2 OBJECTIVE**

The objective of the National Peace Committee is to monitor and to make recommendation on the implementation of the National Peace Accord as a whole and to ensure compliance with the Code of Conduct for Political Parties and Organisations.

### **8.3 FUNCTIONS**

- 8.3.1 The functions of the National Peace Committee shall be, inter alia to:
  - 8.3.1.1 perform those functions imposed upon it by the National Peace Accord;
  - 8.3.1.2 receive and consider reports by the National Peace Secretariat and the Commission;
  - 8.3.1.3 decide disputes concerning the interpretation of the Code of Conduct for Political Parties and Organisations;
  - 8.3.1.4 resolve disputes concerning alleged transgressions of the Code of Conduct for Political Parties and Organisations;
  - 8.3.1.5 convene a meeting of the signatories in the event of an unresolved breach of the National Peace Accord; and
  - 8.3.1.6 recommend legislation to give effect to the National Peace Accord.

### **8.4 POWERS**

- 8.4.1 The National Peace Committee shall have the following powers:
  - 8.4.1.1 promote the aims and spirit of the National Peace Accord;
  - 8.4.1.2 convene a meeting of the signatories where necessary;
  - 8.4.1.3 amend the constitution of the National Peace Committee;
  - 8.4.1.4 negotiate and conclude further agreements to achieve the objects of the National Peace Accord.

## **8.5 MEETINGS**

- 8.5.1 The National Peace Committee shall elect a chairperson who shall not be a representative of any of the signatory parties.
- 8.5.2 Meetings shall take place on a regular basis at a date and time agreed to in advance.
- 8.5.3 Urgent meetings shall be convened by the chairperson on not less than 48 hours' notice in writing to the authorised representatives.
- 8.5.4 The service of written notice of a meeting at the specified address of the authorised person shall constitute due notice.
- 8.5.5 An urgent meeting shall be called by the chairperson on a written request of one of the signatory parties to the National Peace Accord.

## **8.6 VOTING**

- 8.6.1 All decisions shall be by consensus.
- 8.6.2 In the event of a dispute over the interpretation of the National Peace Accord, the failure of the National Peace Committee to achieve consensus at the meeting at which the dispute is raised or at such further meetings as agreed, the dispute shall be referred to expedited arbitration in the manner set out in paragraph 9.4.
- 8.6.3 In the event of a breach of the National Peace Accord not being resolved by consensus at a meeting of the National Peace Committee, the chairperson of the National Peace Committee shall convene a meeting of national leadership of the signatories within 30 days of that meeting.

## **CHAPTER 9**

### **ENFORCING THE PEACE AGREEMENT BETWEEN THE PARTIES**

9.1 There should be simple and expeditious procedures for the resolution of disputes regarding transgressions of the Code of Conduct for Political Parties and Organisations by political parties and organisations who are signatories of the National Peace Accord. These disputes should wherever possible, be settled:

9.1.1 at grassroots level;

9.1.2 through the participation of the parties themselves; and

9.1.3 by using the proven methods of mediation, arbitration and adjudication.

9.2 Disputes and complaints regarding the transgression of the Code of Conduct for Political Parties and Organisations shall be referred to the National Peace Committee or a committee to whom it has referred the matter for resolution, if the parties were not able to resolve the dispute themselves.

9.3 Where the dispute cannot be resolved by the National Peace Committee or the committee to whom it has been referred to by the National Peace Committee, it shall be referred for arbitration.

9.4 The arbitrator shall be a person with legal skills, appointed by the relevant parties by consensus, failing which the arbitrator shall be appointed by the National Peace Committee within 21 days of being requested to do so in writing and failing which the Chairperson of the National Peace Committee shall appoint an arbitrator.

9.5 Subject to the above, the procedure of the arbitration shall be as follows:

9.5.1 the complaint shall be referred to the arbitrator by the complaining parties;

9.5.2 the arbitrator shall decide on a date of hearing and call upon the parties to the dispute to be present at the hearing with their witnesses;

9.5.3 the hearing shall be conducted in private;

9.5.4 the arbitrator shall make a finding on the facts and make an order on the organisation concerned to remedy the breach either by a public distancing of the organisation from the events or by steps to be taken to prevent further breaches of the Code and the time within which the order has to be implemented;

9.5.5 the arbitrator shall hold a compliance hearing once the time period has expired to determine compliance;

9.5.6 the arbitrator will then submit a report of its findings to the National Peace Committee.

9.6 The signatories agree to consult each other in the National Peace Committee on methods of ensuring that the Code of Conduct for Political Parties and Organisations is enforceable on all such bodies, including the possibility of statutory enforcement.

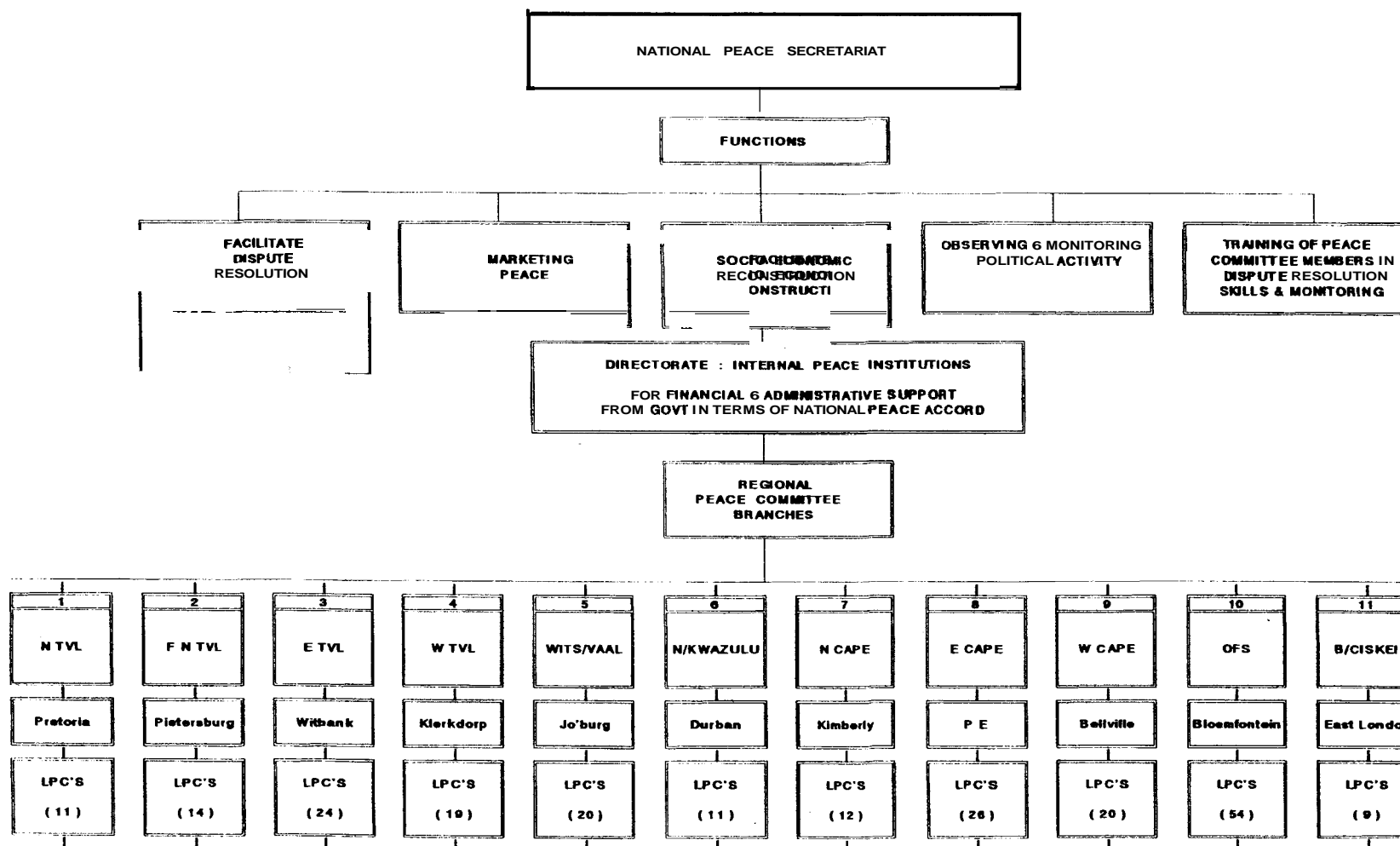
## **CHAPTER 10**

### **SPECIAL CRIMINAL COURTS**

- 10.1 An effective and credible criminal judicial system requires the swift but just dispensation of justice. This in turn will promote the restoration of peace and prosperity to communities, freeing them of the ravages of violence and intimidation. Special attention should be given to unrest related cases, cases of public violence and cases involving intimidation by setting up Special Criminal Courts specifically for the purpose.
- 10.2 It is agreed that the Department of Justice, in co-operation with local legal practitioners of the Law Societies and the Bar, should establish project committees to advise the Department of Justice on the administration of the proposed Special Criminal Courts.
- 10.3 These Special Criminal Courts will not deal with ordinary day-to-day crime. Its function will be to deal with unrest related cases. As a result, cases being heard in these courts will be disposed of swiftly and effectively without delay. Cognizance is taken of the initiative to establish mobile courts in certain areas to bring justice closer to the people. The initiative is supported.
- 10.4 Special Criminal Courts should be located in areas where its services are most urgently needed. This implies that cases can be heard more expeditiously than ordinary criminal courts would be able to. This ensures that perpetrators of violence and intimidation will not unnecessarily be let out on bail enabling them to become re-involved in violence and intimidation. This also ensures that those who are maliciously accused of being violent can have their names cleared sooner than is the case at present.
- 10.5 The Criminal Law Amendment Act of 1991 provides a mechanism for a programme of witness protection. It is based on the voluntary co-operation of the person threatened by others and can also protect his family members. It is agreed that these provisions be actively utilised in areas affected by unrest.
- 10.6 For unrest, political violence and intimidation related offences to be effectively combated, criminals should be prosecuted as effectively as possible and at the earliest instance.
- 10.7 It is acknowledged that for Special Criminal Courts to be effective, special procedural and evidential rules should apply. The parties therefore commit themselves to promoting procedural and evidential rules that will facilitate the expeditious and effective hearing of criminal cases.



## ADDENDUM B



N TVL LPC'S	F N TVL LPC'S	E TVL LPC'S	W TVL LPC'S	WITS/VAAL LPC'S	N/KWAZULU LPC'S	N CAPE LPC'S	E CAPE LPC'S	W CAPE LPC'S	OFS LPC'S	B/CISKEI LPC'S
Brits Brnkhurstpruit Moutse Kwamahlangu Kwaggafontein Vaalbank Pretoria West Pretoria East Siyabuswa Cullinan Pretoria North	Warmbaths Phalaborwa Pietersburg Mahwelereng Onverwacht Louis Trichardt Nylstroom Tzaneen Haenertsburg Thabazimbi Naboomspruit Duiwelskloof Giyani Burgersfort	Breyten Carolina Davel Ermelo Hazyview Hendrina Leandra Lyderburg Mayflower Middelburg Morgenzon Nelspruit Nkomazi East Nkomazi West Nsigazi Piet Retief Phola Secunda Standerton Wakkerstroom Volksrust Witbank Barberton Bethal Groblersdal	Klerksdorp Bloemhof Schweizer/R Lichtenburg Rustenburg Christiana Wolmaranstad Sannieshof Carletonville Fochville Koster Ventersdorp Leeudoringstd Makwassie Coligny Ottosdal Delareyville Zeerust Swartruggens	Benoni Ratanda & Heidelberg West Rand Alexandria N E Rand Vaal Vosloorus Thokoza Germiston & Kathlehong Grt Soweto Meadowlands Orlando Tsakane & Brakpan Springs Jo'burg Cnrl Jo'burg East Midrand Duduza Deimas Kwathema	Ixopo P Shepstone Umlazi Stanger & Lower Tugela Newcastle Pinetown Umbumbulu Wembezi & Estcourt Empangeni Ladysmith Ndwedwe	Carnarvon Colesberg Delpoortshoop Douglas Hartswater Hopetown Jan Kempdorp Kimberley Kuruman Postmasburg Upington Vryburg	P Elizabeth Uitenhage/Dis Hankey Patensie Grahamstown Bedford Kenton – Sea Somerset East Cradock Graaff – Reinett Klipplaat Addo Middelburg Kirkwood Pearston Humansdorp Jansenville Jeffreys Bay Karreedouw Joubertina Peteson Alexandria & Alicedale Port Alfred Aberdeen Stytleveville Bathurst	Springbok Lambertsbay Riversdal Beaufort West Leliefontein Wolseley Hermanus Oudshoorn Port Nolloth Plettberg Bay NY78 CrossRd Mossel Bay Belhar Knysna Montagu Touwsriver Kraaifontein Pofadder Khayelitsha	Allanridge Bethlehem Bloemfontein Botshabelo Bultfontein Brandfort Clarens Clocolan DeWetsdorp Dealesville Enenburg Excelsior Frankfort Fauresmith Ficksburg Harrismith Heilbron Henneman Hertzogville Hoopstad Jacobsdal Jagersfontein Kestell Koppies Koffiefontein Kroonstad Ladybrand Memel Parys Petrusburg Reddersburg Rouxville Sasolburg Smithfield Theunissen Tweeling Tweespruit Trompsburg v/Stadensrus Viljoenskroon Vrede Vredefort Warden Welcom Wepener Weselsbron Winburg Zastron Rosendal Springfontein Senekal Odendalsrus Phillipolis Reitz	King W Town East London Cathcart Aliwal North Venterstad Fort Beaufort Maclear Sterkstroom Elliot

## ADDENDUM C

### SUMMARY OF TRAINING ACTIVITIES – TO DATE . . . 18/01/94

#### REGIONAL BREAKDOWN

REGION	# WORKSHOPS
N P S	8
1. NORTHERN TRANSVAAL	8
2. FAR NORTHERN TVL	5
3. EASTERN TRANSVAAL	5
4. WESTERN TRANSVAAL	2
5. WITS / VAAL	33
6. NATAL / KWAZULU	6
7. NORTHERN CAPE	1
8. EASTERN CAPE	16
9. WESTERN CAPE	13
10. ORANGE FREE STATE	2
11. BORDER / CISKEI	0
TOTAL :	99

**SUMMARY OF TRAINING ACTIVITIES – TO DATE . . . 18/01/94**

#	REGION	WORKSHOP	DATE	TRAINER	ASS. TRAINER
1	WITS/VAAL	MEADOWLANDS	17/01/93	E MOLAHLEHI	S NOSSEL
2	F N TVL	PHALABORWA	22–23/01/93	M SHEAR	P MKIZE
3	E TVL	E TVL	22–23/01/93	S MOODLEY	C MBILENI
4	E CAPE	UITENHAGE	22–24/01/93	M ANSTEY	G BRADSHAW
5	N CAPE	N CAPE	06–07/02/93	I NEWAL	P VISSER
6	WITS/VAAL	VAAL	12–14/02/93	M TISANI + CO/ S NOSSEL	P CAMAY
7	WITS/VAAL	SAP/COMM WITS/VAAL	05/02/93	D STOREY	P CAMAY
8	W CAPE	HEIDELBERG/ROTANDA	19–21/02/93	E MOLAHLEHI	P VISSER
9	WITS/VAAL	GREATER SOWETO	12–14/02/93	E MOLAHLEHI	P VISSER
10	WITS/VAAL	GERMISTON/KATHLEHONG	04–05/03/93	L NIEUWMEIJER + CO / P MKIZE	S MOODLEY
11	W CAPE	W CAPE – MFULENI	06/03/93	S TAIT	–
12	NATAL/KWAZULU	NATAL/KWAZULU FIELDWORKERS	26/03/93	REV A JENNINGS + CO / MR R DORIES	MS G ROSENBLUM
13	W CAPE	WOLSLEY	16–17/03/93	I NEWALL	–
14	NATAL/KWAZULU	IXOPO	02–04/04/93	V NXASANA	REV A JENNINGS
15	E TVL	E TVL	14–15/05/93	S MOODLEY	–
16	N TVL	KWANDEBELE	14–16/05/93	L NIEUWMEIJER + C MBILENI + S SHOCHOT + P VISSER	D MATSOBANE
17	E CAPE	PATENSIE	07–09/05/93	G BRADSHAW	L SAMPSON
18	E CAPE	HANKEY	04–05/06/93	G BRADSHAW	L SAMPSON
19	N TVL	WARMBATHS	04–05/06/93	L NIEUWMEIJER	–
20	E CAPE	GRAAF– REINET	02–03/06/93	G BRADSHAW	L SAMPSON
21	E CAPE	CRADOCK	16–17/04/93	I NEWALL	–
22	E TVL	ERMELO/DAVEL/BREYTON	12–13/06/93	L NIEUWMEIJER	–
23	N TVL	BRONKHORSTSPRUIT	28–29/05/93	L NIEUWMEIJER	–
24	WITS/VAAL	KWA– THEMA	11–12/06/93	F STEADMAN	I TIP
25	W CAPE	W CAPE RPC PERSONNEL	10–12/06/93	P VISSER	–
26	W CAPE	W CAPE RPC SA POLICE	09/06/93	R KRAYBILL	–
27	N TVL	MOUTSE	06–07/08/93	L NIEUWMEIJER	–
28	WITS/VAAL	BENONI	02–04/07/93	P CAMAY	D STORY

**NATIONAL PEACE SECRETARIAT**

**SUMMARY OF TRAINING ACTIVITIES – TO DATE . . . 18/01/94**

#	REGION	WORKSHOP	DATE	TRAINER	ASS. TRAINER
29	WITS/VAAL	WITS/VAAL	05–08/08/93	P CAMAY	E MOLAHLEHI
30	N TVL	PRETORIA EAST	23–25/06/93	S MOODLEY	–
31	WITS/VAAL	KWATHEMA	13–14/06/93	F STEADMAN	I TIP
32	N TVL	PRETORIA WEST	23–24/06/93	L NIEUMEIJER	–
33	WITS/VAAL	TSAKANE	23–25/06/93	P VISSER	–
34	WITS/VAAL	BENONI	30/7–1/8/93	P CAMAY + CO / E MOHLAHEHI	–
35	W CAPE	GRABOUW	24–25/06/93	C ARENDSE	–
36	E CAPE	KLIPPLAAT	06–07/08/93	G BRADSHAW	L SAMPSON
37	W CAPE	OUDSHOORN	06–07/08/93	R OLIVIER	–
38	NATAL/KWAZULU	LAMONTVILLE LPC	17–19/09/93	A JENNINGS	A NXASANA
39	W CAPE	BEAUFORT – WEST	27–28/08/93	DR A ODENDAAL	–
40	E TVL	NELSPRUIT	28–29/08/93	L NIEUMEIJER	–
41	W CAPE	SAP – W CAPE RPC	10/08/93	R KRAYBILL	–
42	E CAPE	E CAPE – RE SEC STAFF	06–07/09/93	R MIDGELY	–
43	NPS	C T – DR C MOORE	07–10/09/93	DR C MOORE	–
44	NPS	PTA – DR C MOORE	07–10/09/93	M GOLTEN	–
45	E CAPE	GRAHAMSTOWN – SAP CR	0.015531660	R MIDGELY	–
46	E CAPE	E CAPE FIELDWORKERS	15–16/09/93	R MIDGELY	–
47	WITS/VAAL	THOKOZA/KATHLEHONG MONITORS	17/09/93	P CAMAY	–
48	E CAPE	P E – LPC	17–18/09/93	M ANSTEY	–
49	WITS/VAAL	W/VAAL – MARSHALL/ANC	10–15/10/93	P CAMAY	E MOLAHLEHI
50	E CAPE	GRAHAMSTOWN	29/09/93	R MIDGELY	–
51	N TVL	CULLINAN	01–02/10/93	V NXASANA	–
52	E CAPE	MIDDELBURG (CAPE)	22–23/10/93	G BRADSHAW	V MNTAMBO
53	WITS/VAAL	W/VAAL IFP MARSHALL	03–08/10/93	C HOGG	–
54	O F S	Kroonstad LPC: C/Policing	12/10/93	PROF A MULLER	–
55	W CAPE	W CAPE – MONITORS	09/10/93	A ODENDAAL	–
56	NPS	NPS – S A P Community	25/10/93	R KRAYBILL	–
57	NPS	STRTG PLN : NPS, Trn Comm	12/11/93	J NAIDOO	–
58	E CAPE	GRAAF REINET LPC	05–06/11/93	G BRADSHAW	L SAMPSON
59	N TVL	PTA NORTH LPC	13–14/11/93	L NIEUWMEIJER	–
60	W CAPE	W CAPE P/COMM	01–04/12/93	–	–

**NATIONAL PEACE SECRETARIAT**

**SUMMARY OF TRAINING ACTIVITIES – TO DATE . . . 18/01/94**

#	REGION	WORKSHOP	DATE	TRAINER	ASS. TRAINER
61	WITS/VAAL	DUDUZA LPC	06/11/93	P CAMAY	–
62	N TVL	PEACE CAMPAIGN: N TVL	20/11/93	–	–
63	NPS	STRTG: Reg/Off. Mngrs	21–23/11/93	J v BRED A	C BEZUIDENHOUT
64	N TVL	WARMBATHS LPC	27/11/93	M SHEAR	–
65	E TVL	ERMELO LPC	27–28/11/93	S MOODLEY	–
66	NATAL/KWAZULU	STRTG: Port Shep LPC	02/12/93	–	–
67	O F S	SASOLBURG LPC	12–13/11/93	M SHEAR	–
68	WITS/VAAL	W/VAAL: F Donaldson course	20/07/93	–	–
69	WITS/VAAL	W/VAAL: F Donaldson course	25/07/93	–	–
70	WITS/VAAL	POLICE/MARSHALL RELAT	27/07/93	–	–
71	WITS/VAAL	W/VAAL: F Donaldson course	06–08/08/93	–	–
72	WITS/VAAL	ADV MONITOR TRNG COURSE	16–18/08/93	–	–
73	WITS/VAAL	CLERGY TRNG W/S: W/VAAL	20/08/93	P CAMAY	–
74	WITS/VAAL	P PRETORIUS LEC: W/VAAL	27/08/93	P PRETORIUS	–
75	WITS/VAAL	PLAN/MAN MONIT: W/VAAL	03/09/93	P CAMAY	–
76	WITS/VAAL	P STEVENS LEC: POL/COMM	10/09/93	P STEVENS	–
77	WITS/VAAL	ANC MARSHALLS: W/VAAL	19–24/09/93	P CAMAY	–
78	WITS/VAAL	MONITOR TRAIN TRAINER	30/09/93	P CAMAY	–
79	WITS/VAAL	CRISIS MANAGEMENT: IMSSA	06–08/10/93	C HOGG	–
80	WITS/VAAL	2ND MONITOR TRAINING	19–20/10/93	P CAMAY	L ALLISTON
81	WITS/VAAL	MONITOR TRAINING	23/10/93	P CAMAY	L ALLISTON
82	WITS/VAAL	CLERGY MONITOR TRNG	29–31/10/93	P CAMAY	L ALLISTON
83	WITS/VAAL	IFP MARSHAL COURSE	31/10–5/11/93	E MOLAHLEHI	–
84	WITS/VAAL	NP MARSHAL COURSE	07–12/11/93	P CAMAY	L ALLISTON
85	W CAPE	FACILITATION W/SHOP	10/12/93	G BROOKSMITH	–
86	E CAPE	ADDO LPC	22/01/94	M ANSTEY	–
87	WITS/VAAL	CLERGY TRAINING W/S	28/10/93	P CAMAY	E MOLAHLEHI
88	NPS	NPS TRAINING COMM.	18/01/94	–	–
89	W TVL	ANC MARSHALLS	30–04/02/94	–	–
90	W TVL	ANC MARSHALLS	23–28/01/94	–	–
91	E CAPE	GRAHAMSTOWN LPC	12/01/94	R MIDGELY	–
92	E CAPE	MONITORS TRAINING	15–16/01/94	NSHLAPE SELLO	–
93	W CAPE	MONITORS TRAINING	31/01/94	–	–

**NATIONAL PEACE SECRETARIAT**

**SUMMARY OF TRAINING ACTIVITIES – TO DATE . . . 18/01/94**

#	REGION	WORKSHOP	DATE	TRAINER	ASS. TRAINER
94	WITS/VAAL	ANC MARSHALS	10–15/10/93		
95	WITS/VAAL	ANC MARSHALS	09–11/12/93		
96	W CAPE	CHIEF MARSHALS	21–26/11/93		
97	W CAPE	SENIOR MARSHALS	28–03/12/93		
98	F N TVL	ANC MARSHALS	16–21/01/94		
99	F N TVL	ANC MARSHALS	23–28/01/94		
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NATIONAL PEACE SECRETARIAT

[illegible]



1. NORTHERN TRANSVAAL

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2. FAR NORTHERN TRANSVAAL

[illegible]

3. EASTERN TRANSVAAL

[illegible]

#### 4. WESTERN TRANSVAAL

[illegible]

5. WITS / VAAL

#	WORKSHOP	DATE	TRAINER	ASS. TRAINER
1.	MEADOWLANDS	17/01/93	E MOLAHLEHI	S MOSSEL
2.	SAP/COMMUNITY	05/02/93	D STOREY	P CAMAY
3.	VAAL	12–14/02/93	M TISANI + CO/ S NOSSEL	S SCHOCHOT
4.	GREATER SOWETO	12–14/02/93	L NIEUWMEIJER + CO / P MKIZE	S MOODLEY
5.	GERMISTON/KATHLEHONG	04–05/03/93	L NIEUWMEIJER + CO / P MKIZE	S MOODLEY
6.	TSAKANE	23–25/06/93	P VISSER	–
7.	BENONI	02–04/07/93	P CAMAY	D STOREY
8.	F DONALDSON COURSE	20/07/93	–	–
9.	F DONALDSON COURSE	25/07/93	–	–
10.	POLICE/MARSHALL RELATION	27/07/93	–	–
11.	WITS/VAAL	05–08/08/93	P CAMAY	E MOLAHLEHI
12.	F DONALDSON COURSE	06–08/08/93	–	–
13.	ADV MONITOR TRNG COURSE	16–18/08/93	P CAMAY	–
14.	CLERGY TRAINING	20/08/93	P CAMAY	–
15.	P PRETORIUS LEC.	27/08/93	P PRETORIUS	–
16.	BENONI	30/7–1/08/93	P CAMAY + CO / E MOHLAHEHI	–
17.	PLAN/MAN MONITOR	03/09/93	P CAMAY	–
18.	P STEVENS LEC: POL/COMM.	10/09/93	P STEVENS	–
19.	THOKOZA KATHLEHONG MON.	17/09/93	P CAMAY	–
20.	ANC MARSHALLS	19–24/09/93	P CAMAY	–
21.	MONITOR TRNG TRAINER	30/09/93	P CAMAY	–
22.	IFP MARSHALL	03–08/10/93	C HOGG	–
23.	CRISIS MANAGEMENT IMSSA	06–08/10/93	C HOGG	–
24.	ANC MARSHALL	10–15/10/93	P CAMAY	E MOLAHLEHI
25.	2ND MONITOR TRAINING	19–20/10/93	P CAMAY	L ALLISTON
26.	MONITOR TRAINING	23/10/93	P CAMAY	L ALLISTON
27.	CLERGY TRN. W/SHOP	28/10/93	P CAMAY	E MOLAHLEHI
28.	CLERGY MON. TRAINING	29–31/10/93	P CAMAY	L ALLISTON
29.	IFP MARSHALL COURSE	31–05/11/93	E MOLAHLEHI	L ALLISTON
30.	DUDUZA LPC	06/11/93	P CAMAY	–
31.	NP MARSHALL COURSE	07–12/11/93	P CAMAY	L ALLISTON
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5. WITS / VAAL . . .

[illegible]

6. NATAL / KWAZULU

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7. NORTHERN CAPE

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## 8. EASTERN CAPE

[illegible]

9. WESTERN CAPE

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10. ORANGE FREE STATE

[illegible]

11. BORDER / CISKEI

[illegible]